

## EXTENSIONS OF REMARKS

ROCHESTER COLUMNIST MAKES  
OBJECTIVE ASSESSMENT OF  
MEDIA ATTACK

## HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. HORTON. Mr. Speaker, there has been a great deal said about the recent speech of the Vice President attacking network television commentaries.

I would like to call to the attention of my colleagues a column by Cliff Carpenter of the Rochester, N.Y. Democrat & Chronicle, November 17, 1969. Mr. Carpenter's remarks, I feel, present an objective assessment of the Vice President's remarks and the media situation as a whole:

## MR. AGNEW'S ATTACK

The nation now has electronic ants in its pants.

To agree entirely with Vice President Agnew in his critique of television's coverage of the news would amount to a dangerously casual indictment of a great industry and many great, great newscasters. Such total agreement could be projected into government control of television. This in turn means an end to freedom of speech, which in turn means starvation of democracy.

Some of the points made by the Vice President warrant profound thought and self-critical examination by the TV industry. Judging from the response of the American people, they think so too. But the points are not new. They are problems conscientious television executives have recognized for years.

It takes nothing from TV, in fact it accurately assesses its power, to say as Mr. Agnew did that "for millions of Americans the networks are the sole source of national and world news," and that "these men (a small group of network executives and commentators) can create national issues overnight. They can make or break by their coverage and commentary a moratorium on the war."

It takes nothing from TV to acknowledge the truth of the Vice President's remark that "a raised eyebrow, an inflection of the voice, a caustic remark dropped in the middle of a broadcast can raise doubts in a million minds about the veracity of a public official or the wisdom of a government policy." When he says that, Mr. Agnew is noting that the networks peg their popularity ratings on personalities. What listener cares whether CBS or NBC is doing the better technical job on news? . . . they make a decision on a basis of whether they like Walter Cronkite or Chet Huntley-David Brinkley best (I'll take Walter).

It is an acknowledgment of the power of TV when the Vice President asks: "How many marches and demonstrations would we have if the marchers did not know that the everfaithful TV cameras would be there to record their antics for the next news show?" He is right. It has been documented on a national scale; it has been admitted here at home in past fights and college demonstrations.

Mr. Agnew shrewdly and properly spent some of his time praising what television has done in documentaries and the like to awaken the conscience of the nation but he was blunt in his insistence that the "people have a right to make up their own minds and form their own opinions about a presidential

address without having a president's words and thoughts characterized through the prejudices of hostile critics before they can even be digested."

NBC called the speech "an appeal to prejudice," CBS called it an "unprecedented attempt to influence a news medium," ABC said it had "always been and would continue to be fair and objective." But then came the National Citizens Committee for Broadcasting, chaired by Thomas P. F. Hoving, to declare that while it disagreed with the main thrust of Mr. Agnew's attack, nevertheless "particularly to the point is his criticism of the structure of the system of broadcasting in which programs on national issues . . . are determined by a small group of men at the head of the communications conglomerates which control the three networks."

A representative sample of strong public feeling supporting the Vice President in this paragraph from a letter by a Rochester friend of the D&C, Mrs. V. D. Braunschweig: "I, among many others, am very weary of seeing and hearing analysts tear apart a speech of importance minutes after it was delivered . . . The opinions voiced by the commentators most certainly do influence a large segment of our population. These latter are the individuals who will not spend the effort or the time to study the content of what they have heard, and who do not form their own opinions."

Instead of reacting with screams of rage, television might have pointed out that it is constantly re-examining itself—which it is—and will take seriously what the Vice President said, even while disagreeing sharply with him. And as for Mr. Agnew, he tried to cover too much ground in his presentation and wound up with something of a stew of morality, patriotism, public interest, ethics and presidential postures.

We have the world's best television and the world's best newspapers . . . but neither is above criticism. If either ever thinks it is, we're in more trouble than any war ever took us into.

WHAT REALLY HAPPENED IN  
SOUTH VIETNAM

## HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. ROSENTHAL. Mr. Speaker, Prof. George McT. Kahin is a distinguished specialist at Cornell University on the history of Southeast Asia and an acknowledged expert on our involvement in Vietnam.

He wrote recently, in these capacities, a commentary on the President's November 3 statement on Vietnam. I commend it to my colleagues:

## A COMMENTARY ON THE PRESIDENT'S NOVEMBER 3D ADDRESS

On November 3 the President undertook to tell us in which direction he would move in Vietnam. This was a speech addressed primarily to securing public support in this country and not to a solution in Vietnam. He began by telling us that one of the reasons for the deep division in this Nation about Vietnam is that many Americans have lost confidence in what their government has told them about our policy. They cannot and should not, he said, be asked to support a policy involving war and peace unless they know the truth about that policy. If this

was his major concern, his speech was clearly a failure, for it served to increase rather than decrease the misunderstanding. Indeed, he has embraced the same historical myths that served to rationalize his predecessor's policies and has in fact added a number of his own.

Let us then turn to his speech: beginning with what he describes as the fundamental issue: why and how did the U.S. become involved in Vietnam in the first place? He immediately answers his question with the statement: "Fifteen years ago North Vietnam, with the logistical support of Communist China and the Soviet Union, launched a campaign to impose a Communist government on South Vietnam by instigating and supporting a revolution." Fifteen years ago Ho Chi Minh's government was in fact in the process of withdrawing its troops from the South in accordance with Geneva and not instigating a revolution there. Ho Chi Minh's government confidently expected to win the elections two years later promised under Geneva and had no reason to intervene. What it did not expect was that as soon as it had withdrawn its troops, we would, contrary to the Geneva agreements, begin direct intervention in the southern half of the Vietnamese nation.

In fact, fifteen years ago in 1954, American intervention was not new. We had already been intervening heavily by four years of unstinting support to the French. Then, after falling in this effort and acquiescing in a Geneva settlement which we did not sign but promised not to overturn, we prepared to intervene more directly by building up a separate state in the South. Even so, Hanoi did not in fact begin to intervene in the South until some five years later when heavy repression by this American supported southern regime drove thousands of Vietnamese—noncommunists as well as procommunist—into rebellion.

A precipitate withdrawal now by the United States, President Nixon continues, would inevitably allow the communists to repeat the massacres which he charges followed their takeover in the North fifteen years ago—when, he alleges, they "murdered more than 50,000 people and hundreds of thousands more died in slave labor camps." This is an unconscionable misrepresentation likely to deter Americans from moving towards a compromise settlement. If President Nixon had taken the trouble to look at the records of the International Control Commission he would know that during the entire three year period following the armistice, they indicate allegations of only 55 incidents of political reprisal—whether murder, arrest, or confiscation of property—made by the French and Diem against Ho Chi Minh's regime. During the same period, the International Control Commission cited allegations involving a total of 1,404 incidents of political reprisal in the South involving murder, arrest, confiscation and property and in some cases massacres of several families or whole villages.

The significant violence that did occur in the North more than two years after the Geneva armistice did not involve reprisals against Vietnamese who had previously supported the French against the Vietminh. It had nothing to do with the civil war that had ended two years before. This violence in the North in which the historian Joseph Buttinger estimates that 10-15 thousand were killed, was the consequence of a clumsy and unrealistic attempt to impose a Chinese communist model of agrarian reorganization. Peasant resentment against the government's program in at least one province ended in a rebellion that troops were required to sup-

press. As a consequence, these agrarian policies were discredited and dropped and Hanoi's minister of agriculture sacked.

President Nixon then turns to reports of atrocities during the Tet offensive at Hue. During the terribly intense fighting at Hue there certainly were atrocities—perpetrated by both sides—though the number quoted by the President is much higher than any previous estimate. (One also wonders why in his text the President nearly doubled the figure for Catholic refugees from the North with which previous administrations were content.) It is disturbing to see him equate the situation of battlefield reprisals against civilians that existed at Hue with a post-armistice situation which would obtain after a settlement between us and our adversaries. In heat-of-battle conditions both sides have in the past, and probably will in the future, carry out reprisals against those who have been identified as working for the enemy, particularly if they occupy positions in intelligence, the police, or are believed to be informers. So long as the battle in question is simply one episode in a series which is destined to go on, both sides are likely to take punitive measures that will ensure that in the next round of battle they will not be disadvantaged by the work of such enemy civilians. This kind of reprisal will probably continue in conjunction with the fighting until an armistice is achieved, and must be distinguished from the central question as to prospects of political reprisal after such an armistice, which is what we will be concerned with in working for a negotiated settlement.

Now what of the President's view of the present? This is, I am afraid, as unbalanced and inaccurate as his view of the past. It is an amazing example of double-think to find that nowhere, not once in his speech, does he make mention of the major adversary which both we and Saigon face in Vietnam, the National Liberation Front. By reading his speech one would assume that there are only three parties to the conflict: ourselves, Saigon and Hanoi. He is so rigorous in his insistence upon avoiding any reference to the NLF that in reading from his own letter of July 15 to Ho Chi Minh he even excises his own mention of the NLF and its 10 points. Why? I certainly don't understand the President's reasoning, but the consequence is to lay before the American public a picture of a situation in Vietnam which is grotesquely artificial.

Thus, as with President Johnson in 1965, there is presented for Americans a simplistic diagram of a battle between two states, North and South Vietnam. He avoids the central fact that the problem confronting us is a revolution in the South wherein Saigon has a local adversary which commands wide popular support and is militarily capable of defeating Saigon's armies on its own if American and North Vietnamese troops were withdrawn. Hanoi at least knows that it cannot negotiate over the NLF's head, and as we know from the past, no amount of American bombing could induce it to do so. If our President is serious about negotiations, it is unrealistic to bypass the NLF and pretend it does not exist.

The President then asks who is at fault for the lack of progress in negotiations, answering categorically that it is *not* the President of the United States and *not* the South Vietnamese government. The obstacle, he says, is "the other side's absolute refusal to show the least willingness to join us in seeking a just peace."

Let me first observe that it is difficult to read the exchange of letters between President Nixon and Ho Chi Minh and conclude with Nixon that Ho "flatly rejected" his initiative. Ho's letter constitutes no such rejection, and in emphasizing the NLF's 10 point

program, which Nixon in his own letter had stated the U.S. was prepared to discuss, Ho was referring to matters which it is very much to our interest to discuss if we are serious and realistic about reaching a negotiated settlement.

If the enemy has refused to show the least willingness to join us in seeking a just peace, it is incomprehensible why the President later on in his speech in referring to what he describes as "significant developments which have occurred since this administration took office" points out that enemy infiltration during the last three months is less than 20% of what it was over the similar period last year, and that American casualties "have declined during the last two months to the lowest point in three years." If the President acknowledges this, but is unwilling to interpret these actions as showing "the least willingness" of the enemy "to join us in seeking a just peace," an enemy decision to step up military activity following the President's speech would not seem illogical. This is particularly serious in view of his statement that one of the factors which will govern the rate of withdrawal of American forces will be "the level of enemy activity."

Let me turn to another condition which the President says will determine our schedule of troop withdrawal—namely, the rate of Vietnamization—the rate at which Saigon's forces take over the burden of fighting from our troops. If we really intend to shift responsibility from American to Saigon forces, we are certain to discover what our own army officers have known for a long time, that modern military equipment is no substitute for the will to fight and a Vietnamese regime worth fighting for. With the desertion rate of Saigon's military forces still running between 20 and 25% per year it is senseless to assume that somehow miraculously the attitude of its reluctant soldiers is going to change. And here I am in full agreement with Senator McGovern that to turn "the war over to the South Vietnamese army *only* if we are certain that it is able to carry the load . . . is the same as proposing that we stay in Vietnam indefinitely."

And that, I am afraid, is apparently what this Administration proposes to do—assuming somehow that it can manage to have it both ways—withdrawing enough American troops to placate public opinion in this country, but leaving enough behind (presumably some 200,000) to provide the necessary shield to protect at least Saigon and its immediate hinterland until our Presidential campaign of 1972.

Thereby, the Administration apparently hopes to follow what it believes is a middle course which will cut the ground from beneath both the opponents of the war and from the Wallacites and potential Wallacites who would be quick to accuse it of surrendering Asian territory to communist control if the NLF came to power. A President who first sat in the White House in 1952 with an administration that had used the loss of China issue as a means to win the election, can be presumably expected to remain sensitive to such an attack from the right.

But in the position he has now taken, President Nixon has really lost the power of initiative. By tying himself so closely to Saigon and so uncritically embracing General Thieu's position, he has robbed himself of almost all possibility of finding any common ground with our enemy—and without some common ground you simply cannot have a negotiated settlement. He has in fact made himself and the lives of Americans a prisoner of decision made in Saigon and Hanoi. In addition to being conditional upon the growing strength and self-sufficiency of Saigon's army, our willingness to withdraw is made dependent upon the utopian expectation that the NLF and Hanoi will meekly resign them-

selves to a major reduction in military activity—a reduction sufficient not only to keep American casualties low but also sufficient to sustain the myth that the Saigon military forces are increasingly effective, and that Nixon's policy of Vietnamization is really working. In effect, then, we will not withdraw, until our enemy cooperates with us to save our face by maintaining the credibility of Saigon's military forces and permitting the Thieu government to remain in power.

There is *nothing*, then, in the President's speech which eases the way for negotiations at Paris. His plan is not addressed to the NLF or Hanoi, but to the American public, and it centers about the major objective of strengthening and sustaining General Thieu's government. He has altered President Johnson's tactics, but he has embraced both his premises and his objectives. To buy himself a little time in managing the American public, he has been guilty as his predecessor in denying it the truth.

The greatest part of the tragedy, I think, is that in order to head off the pressure of anti-war sentiment he has resorted to seizing the national flag and waving it defiantly at those who oppose him. He has taken the tragic decision to shift the debate from consideration of the actual factual conditions that govern the present and future in Vietnam to a justification in terms of patriotism and what he alleges is our national honor. Once he tells Americans that their national honor is dependent upon maintaining a position which excludes the compromise ultimately necessary to end the fighting—then movement towards peace cannot be made without appearing to repudiate the very patriotism which he has called upon to justify his bankrupt policy. Once a President resorts to flag-waving in order to silence reasoned argument he reduces his own ability to move back to the course of reason.

#### AGNEW SCORES DIRECT HIT

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. RARICK. Mr. Speaker, it becomes daily more apparent that the Vice President hit a raw nerve when he called the hands of the Nation's communications czars and pointed out what a small number of men actually control and color the news of current events.

Most Americans realize that news reports by the television networks are highly biased. We in the South learned early that events which took place in our communities were totally unrecognizable when we saw them reported on television. Many other Americans learned this sad truth after the Chicago convention last year.

A bitter and expensive counterattack on the Vice President—and through him on the American people—was launched immediately after his speech and has increased in intensity almost hourly. The violence of the denial gives great credibility to the charge. In fact, it proves the point.

The true issue has not been discussed. The attacks are either highly personal or are aimed at a straw man of government censorship. The Vice President specifically stated that he did not advocate any kind of Government control of the news. What he suggested is that the

American people, acting individually, do something about bringing what might be termed community control to biased network news coverage.

On the subject of balancing bias I include in my remarks the thoughtful editorial of James J. Kilpatrick:

AGNEW RIGHT IN ASSESSING LIBERAL BIAS OF TV

(By James J. Kilpatrick)

The unfortunate thing is that Agnew is right. The still more unfortunate thing is that nothing much can be done about it.

The vice president charged, in brief, that television network news is shaped and controlled by a small group of men whose liberal bias dominates their presentation. Who can deny it? The charge is true. It has been true for 20 years.

It is the same charge, in essence, that has been leveled against the Warren Court. Members of the high tribunal are supposed to put their prejudices behind them when they sit down at the bench. They don't. Everyone knows where Thurgood Marshall will stand on a civil rights case. He will stand where TV's famous anchormen stand. Perhaps an answer to our problems lies in asking the Senate to advise and consent to the nominations of Messrs. Huntley, Brinkley, Cronkite and Reynolds, whose decrees come down every night.

The Constitution is filled with safeguards against the bias of judges. None of the safeguards has worked. The only effective restraint upon a Supreme Court judge is his own sense of self-restraint. The same thing is true of the network people. Much of the time, in my observation, the anchormen strive for an impeccable neutrality; but Huntley's eyebrows have an independent mind all their own. And Mr. Brinkley, for his part, could not read two columns of a telephone book, deadpan, without hinting at the character of Kunkle, Kunze Kunzig and Kupetz.

This is an inescapable aspect of the nature of strong men. Of course their biases creep in. Their whole lives play a part in forming their judgment on what constitutes news tonight. And in the particular case of network television, the ordinary problems of editorial judgment are compounded by the nature of the medium.

For TV is not like newspapers. The newspaper you are now reading has been assembled by editors whose lives are ruled by the printed word. If my column bores you at this point, you can switch in a twinkling to someone else's column. You can go to sports, to women's news, to business news, to foreign news, to the comics; you can put the paper aside and read it later. You can read as much or as little as you please, making your own choices. And if you find this newspaper unpalatable, you can—with a little effort—find some other printed medium.

The evening network shows are something else entirely. Cronkite cannot "raise his paper" by a couple of pages to accommodate a big day in the news. He is bound to the inexorable half-hour or to what remains of a half-hour after the commercials.

In this time span, a Cronkite must not only inform; he must also entertain. He must hold his viewers. His task is to present 15 or 20 items that will claim attention from beginning to end. If your custom is to watch the whole show, you must accept the CBS choice willy-nilly—or try another network where the same personal prejudices work in about the same way.

Suppose, to be supposing, that Bill Buckley and I were invited to replace Messrs. Huntley and Brinkley for a week or two. Suppose that we were instructed, just as they are, to be as fair, as objective, as impartial as we could be; and suppose that we tried our best. Our nightly choice of 15 or 20

stories seldom would vary much from the Huntley-Brinkley choice, but inevitably there would be nuances, changes of emphasis, a different ordering of priorities.

Before long, the liberal establishment would be howling to high heaven against a tiny and closed fraternity of privileged men, elected by no one, enjoying a monopoly sanctioned and licensed by government. You would not have heard Spiro T. Agnew on Thursday; but you might have heard the same speech from, say, Hubert Humphrey.

The problem is quite serious, for Agnew is right in his assessment of TV's impact. The medium itself, as Marshall McLuhan has said, is the message; and every man who deals in ideas would like a crack at composing a network's evening message. I'll come back to this theme again. Meanwhile, good night, Bill.

## MARIHUANA

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. DERWINSKI. Mr. Speaker, there has been a great deal of attention and sharp differences of opinion over the effect of marihuana and its growing use in the United States. A very sound and penetrating editorial on the subject appeared in the November 8 Polish American of Chicago, Ill.:

#### MARIHUANA

The discovery, by medical researchers, that marijuana is not physically addictive has apparently had a lot to do with the recently relaxed views of many people on the use of that drug. The new view has pushed forth possible legislation which would make marijuana usage a misdemeanor instead of a felony, as it is now.

We cannot agree with this new tendency of public opinion. The public would gladly "rid" itself of the dilemma closing its eyes to the problem pot has become—by making it a misdemeanor to smoke pot. But this, in no way, will decrease the use of the drug, it will in no way decrease the dangers of its use—dangers which extend beyond habit-formation.

That a drug is non-habit forming does not make it safe to use. There are many drugs of non-habit forming which are, nonetheless, lethal under some circumstances. Thus, non-addictive aspirin, in a dose of at least 125 regular-sized tablets can cause death. There are numerous other examples. Before marijuana is considered not as bad as other "trip" drugs, it should be investigated from other angles than just that of habit-formation. Young people are both gullible and extremely vulnerable. A lowering of the penalty for the use of pot will mean to many kids that it is safe to use, that it will give them all the (very dubious) benefits of a trip without the legal, psychological and biochemical side-effects of other drugs. This is clearly the way many youngsters would interpret the legal change, and this is clearly not the way such a fact should be interpreted.

Moreover, an affinity of marijuana with other trip drugs will, without a doubt, mean more relaxed unofficial positions of lawmakers, courts and law-enforcers with regard to the other drugs. This side effect will be of no service to the nation.

The suggested legislation with regard to marijuana is an indication that the public wants to remedy the damaging effect of the use of drugs has had on our society in the past twenty years. But the change which must occur is not one of legislation, but of social conditions, of outlook on life. These two factors in their present state are the

main cause for the prevalent use of drugs. "Taking a trip" is another way of saying escaping from the surrounding conditions of life and from one's view of life. But escapism, we all know, is not a solution. It is at best a procrastination, but most often a worsening of the situation at hand.

The problem of chemically-induced escapism is not a new thing. The middle-ages in Europe saw the beginning of modern urban society. That was the period when people began clustering in large communities. The problems of adjustment to close-quarter living arose, as did many other dilemmas which we face today more intensely because of our more intense urban conditions. It was during the middle-ages in Europe that the problem of witchcraft became disturbingly intense. Modern historical investigation has shown that a witch, as described by medieval courts, was nothing more than a man or woman on a trip. Today we also know that the trips were induced by concoctions of herbs which cause strong hallucinations. Such hallucinations were often accompanied by vigorous and mentally uncoordinated movement and contortion of the limbs and face, often with such symptoms as foaming at the mouth, groaning and wailing. People accused of being witches would often testify to having had the illusion of rapid flight, immortality, etc.

It is obvious that the problems then and now are very similar. We now have the advantage of scientific insight, which will eventually help us rid ourselves of the problem taking trips has become. The middle ages had the powerful weapon of religious prejudice, which served to cruelly temper their dilemma.

One thing must remain clear, however—that we cannot solve the matter of marijuana usage, or the use of other hallucinatory drug by condoning it. We have to remove the reasons, the forces which cause members of our society to use them.

## BIG TRUCK BILL

### HON. FRED SCHWENDEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. SCHWENDEL. Mr. Speaker, my editorials for today are from the Greensboro Daily News, and the Fayetteville Observer, in the State of North Carolina. The editorials follow:

[From the Greensboro (N.C.) Daily News, Sept. 7, 1969]

#### MONSTER-TRAILERS—AGAIN

One of the many legislative struggles going in Washington has a particularly familiar and dreary ring to Tar Heel ears. The trucking industry, having failed here and in several other states to win approval of its deplorable monster-trailer proposal, has taken the fight to the congressional level. Astonishingly, it has received the tacit approval of the Nixon administration.

The bill, which is being considered by a House Public Works subcommittee, would sharply increase the size and load limits for trucks and buses on interstate highways. Maximum width would be raised from eight to eight and one-half feet. The weight limit would be increased almost 50 percent, from 73,280 pounds to 108,500 pounds. The maximum length would be 70 feet.

According to F. C. Turner, the federal highway administrator, his agency does not have "sufficiently reliable evidence" that larger trucks and buses would create added safety hazards for automobiles and smaller commercial carriers. But instead of citing this supposed lack of evidence as reason for put-

ting off congressional action on the bill, he merely left it up to Congress to decide whether safety would be "measurably" affected; in the event that Congress in its wisdom approves the bill, he asked that its implementation be delayed until 1972 so his agency will have time to set performance standards for the behemoths.

Like Rep. Fred Schwengel of Iowa, we find it "incredible" that the administration should stand by while a bill of utterly unknown impact on auto safety rides through Congress on the wings of the mighty trucking lobby. Even if it does not have all the specific facts and figures it wants, the administration should somehow be able to see that wider, heavier, longer trucks will by virtue of their very size pose highway problems; and it should be able to see that the vastly increased loads will put more stress on the highways, requiring increased repair outlays.

Our dismay over the bill's evidently bright prospects is hardly diminished by a report by "Nader's raiders" on safety practices in the trucking industry. The target of the report is not the drivers but the industry, which the authors say often forces drivers to work under "barbaric" conditions.

The report charges that many truckers "actually require . . . as a condition of employment" the "systematic violation" by drivers of federal safety regulations. It cites the case of a driver fired by his employer "for refusing to drive without brakes." Another was suspended after he pulled off the road because of fog. Federal regulations limit driving time to ten hours and require a minimum of eight hours' sleep after a drive of that duration; but the report tells of two drivers who, ordered into exceeding the driving limit, were killed in fatal accidents caused by exhaustion.

The Department of Transportation, the "raiders" charge, works "hand-in-hand" with the truckers, winking at violations and ignoring drivers who seek to have regulations enforced. The department is equally lenient, the report claims, on truckers operating defective tractor-trailers.

Undoubtedly the industry will rush to charge everything from distortion to exaggeration, though we must note that Mr. Nader has not been inclined to shoot unless he is sure of his ammunition. Whatever the case, we take little comfort in the picture of an exhausted, overworked driver barreling down the highway with 70 feet and 108,500 pounds roaring along behind him. Neither, we imagine, do any motorists. Passage of this bill would be a travesty—and the probable cause of tragedy.

[From the Fayetteville (N.C.) Observer, July 20, 1969]

#### OPPONENTS OF HEAVIER TRUCKS NOW OUTWEIGH ADVOCATES

WASHINGTON.—Testimony for and against bigger trucks on federal interstate highways piled up before a House subcommittee last week with opponents outnumbering advocates in contrast to the preceding week.

Those stating their opposition to the proposal or portions of it included the American Automobile Association, the American Association of State Highway Officials, the General Federation of Womens Clubs and the Iowa director of highways.

Coming out in favor of it were Rep. Al Ullman, D-Ore., and William W. Owen, president of the Dayton, Ohio, City Transit Company.

#### "SAFETY" CLAIMS

It is the industry position that wider, heavier and in some cases longer buses and trucks would be safer and more comfortable and actually easier on the nation's highways than those presently in use. Critics dissent vigorously.

The bill would increase weight limits on a single axle from 18,000 to 20,000 pounds, on tandem axles from 32,000 to 34,000 pounds and raise the present gross weight limit of 73,280 pounds to as much as 108,000 pounds on a nine-axle truck.

It would permit widening of trucks and buses from eight to eight and one-half feet and impose a 70-foot length limit. There is presently no federal limit, but all but three states have limits of 65 feet or less.

The measure also contains a grandfather clause allowing states that now permit vastly larger trucks to continue to do so indefinitely.

#### ESCALATION OF WEIGHT

The highway officials' association said this provision would "provide the opening for the encouragement of further escalation and liberalization of weight regulations."

But Ullman told the subcommittee on roads of the House Public Works Committee that the clause is essential, at least for Oregon which permits operation of mammoth triple-unit trailer combinations as much as 105 feet long.

George F. Kachlein Jr., executive vice president of Triple A, called the measure "an antisafety bill almost identical with the big truck bill which failed of passage last year."

Kachlein declared "we cannot ask 100 million drivers to be guinea pigs by increasing the sizes and weights and then researching the effects. The research should be done first."

Owen testified in behalf of the entire bill but said the width increase is essential to the bus industry. Presently, he said, many large cities already have the eight-and-one-half-foot-wide buses but they cannot leave city limits.

John Gunther, executive director of the United States Conference of Mayors, said the conference does not object to the wider buses but is against other provisions in the bill.

Douglas B. Fugate, vice president of the highway officials association testified a study by the association shows that "an increase from the 18,000-pound to the 20,000-pound load can result in an average loss of the remaining life of (highways and bridges) between 25 to 40 per cent. To increase it to 22,000 pounds can result in the loss of pavement life of close to 60 per cent . . ."

Mrs. Walter Varney MaGee, president of the General Federation of Women's Clubs, said she spoke for 11 million American women and that "statistics cannot reflect our fears when our cars are rocked while passing or being passed by a huge vehicle . . . We fear for our safety when huge vehicles barrel downhill behind us in their effort to gain momentum for an approaching hill—to say nothing of these times when they ride our bumpers, literally forcing us to increase our speed beyond the posted limits in order to stay out of their path."

#### U.S. MEMBERSHIP IN THE LEAGUE OF NATIONS

### HON. LEN B. JORDAN

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Wednesday, November 19, 1969

Mr. JORDAN of Idaho. Mr. President, I would invite the attention of Senators to remarks made on this floor 50 years ago today, on November 19, 1919. The occasion was the Senate debate on U.S. membership in the League of Nations. The speaker was William E. Borah, who served as U.S. Senator from Idaho from 1907 until his death on January 19, 1940.

Senator Borah's eloquence of expression that day has been regarded by some as unsurpassed in the history of this body. Certainly the timelessness of many of Senator Borah's observations can be clearly discerned today. It is highly appropriate, I believe, that we and the many readers of the CONGRESSIONAL RECORD reflect for a moment on the significance of the following excerpts from Senator Borah's famous speech of another time this is, in many instances, of our time as well:

But take another view of it. We are sending to the council one man. That one man represents 110,000,000 people. Here sitting in the Senate, we have two from every State in the Union, and over in the other House we have Representatives in accordance with population, and the responsibility is spread out in accordance with our obligations to our constituency. But now we are transferring to one man the stupendous power of representing the sentiment and convictions of 110,000,000 people in tremendous questions which may involve the peace or may involve the war of the world. However you view the question of unanimous consent, it does not protect us. . . .

Next to the tie which binds a man to his God is the tie which binds a man to his country, and all schemes, all plans, however ambitious and fascinating they seem in their proposal, but which would embarrass or entangle and impede or shackle her sovereign will, which would compromise her freedom of action, I unhesitatingly put behind me. . . .

You cannot yoke a government whose fundamental maxim is that of liberty to a government whose first law is that of force and hope to preserve the former. These things are in eternal war, and one must ultimately destroy the other. . . .

We may become one of the four dictators of the world, but we shall no longer be master of our own spirit. And what shall it profit us as a Nation if we shall go forth to the dominion of the earth and share with others the glory of world control and lose that fine sense of confidence in the people, the soul of democracy?

Mr. President, I ask unanimous consent that the entire text of Senator Borah's remarks be printed in the RECORD.

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

MR. BORAH. Mr. President, I am not misled by the debate across the aisle into the view that this treaty will not be ratified. I entertain little doubt that sooner or later—and entirely too soon—the treaty will be ratified with the league of nations in it, and I am of the opinion with the reservations in it as they are now written. There may possibly be some change in verbiage in order that there may be a common sharing of parentage, but our friends across the aisle will likely accept the league of nations with the reservations in substance as now written. I think, therefore, this moment is just as appropriate as any other for me to express my final views with reference to the treaty and the league of nations. It is perhaps the last opportunity I shall have to state, as briefly as I may, my reasons for opposing the treaty and the league.

Mr. President, after Mr. Lincoln had been elected President, before he assumed the duties of the office and at a time when all indications were to the effect that we would soon be in the midst of civil strife, a friend from the city of Washington wrote him for instructions. Mr. Lincoln wrote back in a single line, "Entertain no compromise; have

none of it." That states the position I occupy at this time and which I have, in a humble way, occupied from the first contention in regard to this proposal.

My objections to the league have not been met by the reservations. I desire to state wherein my objections have not been met. Let us see what our attitude will be toward Europe and what our position will be with reference to the other nations of the world after we shall have entered the league with the present reservations written therein. With all due respect to those who think that they have accomplished a different thing and challenging no man's intellectual integrity or patriotism, I do not believe the reservations have met the fundamental propositions which are involved in this contest.

When the league shall have been formed, we shall be a member of what is known as the council of the league. Our accredited representative will sit in judgment with the accredited representatives of the other members of the league to pass upon the concerns not only of our country but of all Europe and all Asia and the entire world. Our accredited representatives will be members of the assembly. They will sit there to represent the judgment of these 110,000,000 people—more than—just as we are accredited here to represent our constituencies. We can not send our representatives to sit in council with the representatives of the other great nations of the world with mental reservations as to what we shall do in case their judgment shall not be satisfactory to us. If we go to the council or to the assembly with any other purpose than that of complying in good faith and in absolute integrity with all upon which the council or the assembly may pass, we shall soon return to our country with our self-respect forfeited and the public opinion of the world condemnatory.

Why need you gentlemen across the aisle worry about a reservation here or there when we are sitting in the council and in the assembly and bound by every obligation in morals, which the President said was supreme above that of law, to comply with the judgment which our representative and the other representatives finally form? Shall we go there, Mr. President, to sit in judgment, and in case that judgment works for peace join with our allies, but in case it works for war withdraw our cooperation? How long would we stand as we now stand, a great Republic commanding the respect and holding the leadership of the world, if we should adopt any such course?

So, sir, we not only sit in the council and in the assembly with our accredited representatives, but bear in mind that article 11 is untouched by any reservation which has been offered here; and with article 11 untouched and its integrity complete, article 10 is perfectly superfluous. If any war or threat of war shall be a matter of consideration for the league, and the league shall take such action as it deems wise to deal with it, what is the necessity of article 10? Will not external aggression be regarded as a war or threat of war? If the political independence of some nation in Europe is assailed will it be regarded as a war or threat of war? Is there anything in article 10 that is not completely covered by article 11?

It remains complete, and with our representatives sitting in the council and the assembly, and with article 11 complete, and with the assembly and the council having jurisdiction of all matters touching the peace of the world, what more do you need to bind the United States if you assume that the United States is a Nation of honor?

We have said, Mr. President, that we would not send our troops abroad without the consent of Congress. Pass by now for a moment the legal proposition. If we create executive functions, the Executive will perform those functions without the authority of Congress. Pass that question by and go to the other

question. Our members of the council are there. Our members of the assembly are there. Article 11 is complete, and it authorizes the league, a member of which is our representative, to deal with matters of peace and war, and the league through its council and its assembly deals with the matter, and our accredited representative joins with the others in deciding upon a certain course, which involves a question of sending troops. What will the Congress of the United States do? What right will it have left, except the bare technical right to refuse, which as a moral proposition it will not dare to exercise? Have we not been told day by day for the last nine months that the Senate of the United States, a coordinate part of the treaty-making power, should accept this league as it was written because the wise men sitting at Versailles had so written it, and has not every possible influence and every source of power in public opinion been organized and directed against the Senate to compel it to do that thing? How much stronger will be the moral compulsion upon the Congress of the United States when we ourselves have indorsed the proposition of sending our accredited representatives there to vote for us?

Ah, but you say that there must be unanimous consent, and that there is vast protection in unanimous consent.

I do not wish to speak disparagingly; but has not very division and dismemberment of every nation which has suffered dismemberment taken place by unanimous consent for the last 300 years? Did not Prussia and Austria and Russia by unanimous consent divide Poland? Did not the United States and Great Britain and Japan and Italy and France divide China and give Shantung to Japan? Was that not a unanimous decision? Close the doors upon the diplomats of Europe, let them sit in secret, give them the material to trade on, and there always will be unanimous consent.

How did Japan get unanimous consent? I want to say here, in my parting words upon this proposition, that I have no doubt the outrage upon China was quite as distasteful to the President of the United States as it is to me. But Japan said: "I will not sign your treaty unless you turn over to me Shantung, to be turned back at my discretion," and you know now Japan's discretion operates with reference to such things. And so, when we are in the league, and our accredited representatives are sitting at Geneva, and a question of great moment arises, Japan, or Russia, or Germany, or Great Britain will say, "Unless this matter is adjusted in this way I will depart from your league." It is the same thing, operating in the same way, only under a different date and under a little different circumstances.

Mr. President, if you have enough territory, if you have enough material, if you have enough subject peoples to trade upon and divide, there will be no difficulty about unanimous consent.

Do our Democratic friends ever expect any man to sit as a member of the council or as a member of the assembly equal in intellectual power and in standing before the world with that of our representative at Versailles? Do you expect a man to sit in the council who will have made more pledges, and I shall assume made them in sincerity, for self-determination and for the rights of small peoples, than had been made by our accredited representative? And yet, what became of it? The unanimous consent was obtained nevertheless.

But take another view of it. We are sending to the council one man. That one man represents 110,000,000 people.

Here, sitting in the Senate, we have two from every State in the Union, and over in the other House we have Representatives in accordance with population, and the responsibility is spread out in accordance with our

obligations to our constituency. But now we are transferring to one man the stupendous power of representing the sentiment and convictions of 110,000,000 people in tremendous questions which may involve the peace or may involve the war of the world.

However you view the question of unanimous consent, it does not protect us.

What is the result of all this? We are in the midst of all of the affairs of Europe. We have entangled ourselves with all European concerns. We have joined in alliance with all the European nations which have thus far joined the league, and all nations which may be admitted to the league. We are sitting there dabbling in their affairs and intermeddling in their concerns. In other words, Mr. President—and this comes to the question which is fundamental with me—we have forfeited and surrendered, once and for all, the great policy of "no entangling alliances" upon which the strength of this Republic has been founded for 150 years.

My friends of reservations, tell me where is the reservation in these articles which protects us against entangling alliances with Europe?

Those who are differing over reservations, tell me what one of them protects the doctrine laid down by the Father of his Country. That fundamental proposition is surrendered, and we are a part of the European turmoils and conflicts from the time we enter this league.

Let us not underestimate that. There has never been an hour since the Venezuelan difficulty that there has not been operating in this country, fed by domestic and foreign sources, a powerful propaganda for the destruction of the doctrine of no entangling alliances.

Lloyd-George is reported to have said just a few days before the conference met at Versailles that Great Britain could give up much, and would be willing to sacrifice much, to have America withdraw from that policy. That was one of the great objects of the entire conference at Versailles, so far as the foreign representatives were concerned. Clemenceau and Lloyd-George and others like them were willing to make any reasonable sacrifice which would draw America away from her isolation and into the internal affairs and concerns of Europe. This league of nations, with or without reservations, whatever else it does or does not do, does surrender and sacrifice that policy; and once having surrendered and become a part of the European concerns, where, my friends, are you going to stop?

You have put in here a reservation upon the Monroe doctrine. I think that, in so far as language could protect the Monroe doctrine, it has been protected. But as a practical proposition, as a working proposition, tell me candidly, as men familiar with the history of your country and of other countries, do you think that you can intermeddle in European affairs; and, secondly, never to permit Europe to . . .

When Mr. Monroe wrote to Jefferson, he asked him his view upon the Monroe doctrine, and Mr. Jefferson said, in substance, our first and primary obligation should be never to interfere in European affairs; and, secondly, never to permit Europe to interfere in our affairs.

He understood, as every wise and practical man understands, that if we intermeddle in her affairs, if we help to adjust her conditions, inevitably and remorselessly Europe then will be carried into our affairs, in spite of anything you can write upon paper.

We can not protect the Monroe doctrine unless we protect the basic principle upon which it rests, and that is the Washington policy. I do not care how earnestly you may endeavor to do so, as a practical working proposition your league will come to the United States. Will you permit me to digress long enough to read a paragraph from a great

French editor upon this particular phase of the matter, Mr. Stephen Lausanne, editor of *Le Matin*, of Paris?

"When the executive council of the league of nations fixes 'the reasonable limits of the armament of Peru'; when it shall demand information concerning the naval program of Brazil; when it shall tell Argentina what shall be the measure of the 'contribution to the armed forces to protect the signatures of the social covenant'; when it shall demand the immediate registration of the treaty between the United States and Canada at the seat of the league, it will control, whether it wills or no, the destinies of America. And when the American States shall be obliged to take a hand in every war or menace of war in Europe (art. 11), they will necessarily fall afoul of the fundamental principle laid down by Monroe, which was that Americans should never take part in a European war.

"If the league takes in the world, then Europe must mix in the affairs of America; if only Europe is included, then America will violate of necessity her own doctrine by intermixing in the affairs of Europe."

If the league includes the affairs of the world, does it not include the affairs of all the world? Is there any limitation of the jurisdiction of the council or of the assembly upon the question of peace or war? Does it not have now, under the reservations, the same as it had before, the power to deal with all matters of peace or war throughout the entire world? How shall you keep from meddling in the affairs of Europe or keep Europe from meddling in the affairs of America?

Mr. President, there is another and even a more commanding reason why I shall record my vote against this treaty. It imperils what I conceive to be the underlying, the very first principles of this Republic. It is in conflict with the right of our people to govern themselves free from all restraint, legal or moral, of foreign powers. It challenges every tenet of my political faith. If this faith were one of my own contriving, if I stood here to assert principles of government of my own evolving, I might well be charged with intolerable presumption, for we all recognize the ability of those who urge a different course. But I offer in justification of my course nothing of my own save the deep and abiding reverence I have for those whose policies I humbly but most ardently support. I claim no merit save fidelity to American principles and devotion to American ideals as they were wrought out from time to time by those who built the Republic and as they have been extended and maintained throughout these years. In opposing the treaty I do nothing more than decline to renounce and tear out of my life the sacred traditions which throughout 50 years have been translated into my whole intellectual and moral being. I will not, I can not, give up my belief that America must, not alone for the happiness of her own people, but for the moral guidance and greater contentment of the world, be permitted to live her own life. Next to the tie which binds a man to his God is the tie which binds a man to his country, and all schemes, all plans, however ambitious and fascinating they seem in their proposal, but which would embarrass or entangle and impede or shackle her sovereign will, which would compromise her freedom of action, I unhesitatingly put behind me.

Sir, since the debate opened months ago those of us who have stood against this proposition have been taunted many times with being little Americans. Leave us the word American, keep that in your presumptuous impeachment, and no taunt can disturb us, no gibe discompose our purposes. Call us little Americans if you will, but leave us the consolation and the pride which the term American, however modified, still imparts. Take away that term and though you should coin in telling phrase your highest eulogy we could hurl it back as common slander.

We have been ridiculed because, forsooth, of our limited vision. Possibly that charge may be true. Who is there here that can read the future? Time, and time alone, unerring and remorseless, will give us each our proper place in the affections of our countrymen and in the esteem and commendation of those who are to come after us. We neither fear nor court her favor. But if our vision has been circumscribed it has at all times within its compass been clear and steady. We have sought nothing save the tranquillity of our own people and the honor and independence of our own Republic. No foreign flattery, no possible world glory and power have disturbed our poise or come between us and our devotion to the traditions which have made us a people or the policies which have made us a Nation, unselfish and commanding. If we have erred we have erred out of too much love for those things which from childhood you and we together have been taught to revere—yes, to defend even at the cost of limb and life. If we have erred it is because we have placed too high an estimate upon the wisdom of Washington and Jefferson, too exalted an opinion upon the patriotism of the sainted Lincoln. And blame us not therefore if we have, in our limited vision, seemed sometimes bitter and at all times uncompromising, for the things for which we have spoken, feebly spoken, the things which we have endeavored to defend, have been the things for which your fathers and our fathers were willing to die.

Senators, even in an hour so big with expectancy we should not close our eyes to the fact that democracy is something more, vastly more, than a mere form of government by which society is restrained into free and orderly life. It is a moral entity, a spiritual force, as well. And these are things which live only and alone in the atmosphere of liberty. The foundation upon which democracy rests is faith in the moral instincts of the people. Its ballot boxes, the franchise, its laws, and constitutions are but the outward manifestations of the deeper and more essential thing—a continuing trust in the moral purposes of the average man and woman. When this is lost or forfeited your outward forms, however democratic in terms, are a mockery. Force may find expression through institutions democratic in structure equal with the simple and more direct processes of a single supreme ruler. These distinguishing virtues of a real republic you can not commingle with the discordant and destructive forces of the Old World and still preserve them. You can not yoke a government whose fundamental maxim is that of liberty to a government whose first law is that of force and hope to preserve the former. These things are in eternal war, and one must ultimately destroy the other. You may still keep for a time the outward form, you may still delude yourself, as others have done in the past, with appearances and symbols, but when you shall have committed this Republic to a scheme of world control based upon force, upon the combined military force of the four great nations of the world, you will have soon destroyed the atmosphere of freedom, of confidence in the self-governing capacity of the masses, in which alone a democracy may thrive. We may become one of the four dictators of the world, but we shall no longer be master of our own spirit. And what shall it profit us as a Nation if we shall go forth to the dominion of the earth and share with others the glory of world control and lose that fine sense of confidence in the people, the soul of democracy?

Look upon the scene as it is now presented. Behold the task we are to assume, and then contemplate the method by which we are to deal with this task. Is the method such as to address itself to a Government "conceived in liberty and dedicated to the proposition that all men are created equal"? When this league, this combination, is formed four great pow-

ers representing the dominant people will rule one-half of the inhabitants of the globe as subject peoples—rule by force, and we shall be a party to the rule of force. There is no other way by which you can keep people in subjection. You must either give them independence, recognize their rights as nations to live their own life and to set up their own form of government, or you must deny them these things by force. That is the scheme, the method proposed by the league. It proposes no other. We will in time become inured to its inhuman precepts and its soulless methods, strange as this doctrine now seems to a free people. If we stay with our contract, we will come in time to declare with our associates that force—force, the creed of the Prussian military oligarchy—is after all the true foundation upon which must rest all stable governments. Korea, despoiled and bleeding at every pore; India, sweltering in ignorance and burdened with inhuman taxes after more than a hundred years of dominant rule; Egypt, trapped and robbed of her birthright; Ireland, with 700 years of sacrifice for independence—this is the task, this is the atmosphere, and this is the creed in and under which we are to keep alive our belief in the moral purposes and self-governing capacity of the people, a belief without which the Republic must disintegrate and die. The maxim of liberty will soon give away to the rule of blood and iron. We have been pleading here for our Constitution. Conform this league, it has been said, to the technical terms of our charter, and all will be well. But I declare to you that we must go further and conform to those sentiments and passions of justice and freedom which are essential to the existence of democracy. You must respect not territorial boundaries, not territorial integrity, but you must respect and preserve the sentiments and passions for justice and for freedom which God in His infinite wisdom has planted so deep in the human heart that no form of tyranny however brutal, no persecution however prolonged, can wholly uproot and kill. Respect nationality, respect justice, respect freedom, and you may have some hope of peace, but not so if you make your standard the standard of tyrants and despots, the protection of real estate regardless of how it is obtained.

Sir, we are told that this treaty means peace. Even so, I would not pay the price. Would you purchase peace at the cost of any part of our independence? We could have had peace in 1770—the price was high, but we could have had it. James Otis, Sam Adams, Hancock, and Warren were surrounded by those who urged peace and British rule. All through that long and trying struggle, particularly when the clouds of adversity lowered upon the cause, there was a cry of peace—let us have peace. We could have had peace in 1860; Lincoln was counseled by men of great influence and accredited wisdom to let our brothers—and, thank Heaven, they are brothers—depart in peace. But the tender, loving Lincoln, bending under the fearful weight of impending civil war, an apostle of peace, refused to pay the price, and a reunited country will praise his name forevermore—bless it because he refused peace at the price of national honor and national integrity. Peace upon any other basis than national independence, peace purchased at the cost of any part of our national integrity, is fit only for slaves, and even when purchased at such a price it is a delusion, for it can not last.

But your treaty does not mean peace—far, very far, from it. If we are to judge the future by the past it means war. Is there any guaranty of peace other than the guaranty which comes of the control of the war-making power by the people? Yet what great rule of democracy does the treaty leave unassailed? The people in whose keeping alone you can safely lodge the power of peace or war nowhere, at no time and in no place, have any voice in

this scheme for world peace. Autocracy which has bathed the world in blood for centuries reigns supreme. Democracy is everywhere excluded. This, you say, means peace.

Can you hope for peace when love of country is disregarded in your scheme, when the spirit of nationality is rejected, even scoffed at? Yet what law of that moving and mysterious force does your treaty not deny? With a ruthlessness unparalleled your treaty in a dozen instances runs counter to the divine law of nationality. Peoples who speak the same language, kneel at the same ancestral tombs, moved by the same traditions, animated by a common hope, are torn asunder, broken in pieces, divided, and parceled out to antagonistic nations. And this you call justice. This, you cry, means peace. Peoples who have dreamed of independence, struggled and been patient, sacrificed and been hopeful, peoples who were told that through this peace conference they should realize the aspirations of centuries, have again had their hopes dashed to earth. One of the most striking and commanding figures in this war, soldier and statesman, turned away from the peace table at Versailles declaring to the world, "The promise of the new life, the victory of the great humane ideals for which the peoples have shed their blood and their treasure without stint, the fulfillment of their aspirations toward a new international order and a fairer and better world, are not written into the treaty." No; your treaty means injustice. It means slavery. It means war. And to all this you ask this Republic to become a party. You ask it to abandon the creed under which it has grown to power and accept the creed of autocracy, the creed of repression and force.

Mr. President, I turn from this scheme based upon force to another scheme, planned 143 years ago in old Independence Hall, in the city of Philadelphia, based upon liberty. I like it better: I have become so accustomed to believe in it that it is difficult for me to reject it out of hand. I have difficulty in subscribing to the new creed of oppression, the creed of dominant and subject peoples. I feel a reluctance to give up the belief that all men are created equal—the eternal principle in government that all governments derive their just powers from the consent of the governed. I can not get my consent to exchange the doctrine of George Washington for the doctrine of Frederick the Great translated into mendacious phrases of peace. I go back to that serene and masterful soul who pointed the way to power and glory for the new and then weak Republic, and whose teachings and admonitions even in our majesty and dominance we dare not disregard.

I know well the answer to my contention. It has been piped about of late from a thousand sources—venal sources, disloyal sources, sinister sources—that Washington's wisdom was of his day only and that his teachings are out of fashion—things long since sent to the scrap heap of history—that while he was great in character and noble in soul he was untrained in the arts of statecraft and unlearned in the science of government. The puny demagogue, the barren editor, the sterile professor now vie with each other in apologizing for the temporary and commonplace expedients which the Father of his Country felt constrained to adopt in building a republic!

What is the test of statesmanship? Is it the formation of theories, the utterance of abstract and incontrovertible truths, or is it the capacity and the power to give to a people that concrete thing called liberty, that vital and indispensable thing in human happiness called free institutions, and to establish over all and above all the blessed and eternal reign of order and law? If this be the test, where shall we find another whose name is entitled to be written beside the name of Washington? His judgment and poise in the hour of turmoil and peril, his courage and

vision in times of adversity, his firm grasp of fundamental principles, his almost inspired power to penetrate the future and read there the result, the effect of policies, have never been excelled, if equaled, by any of the world's commonwealth builders. Peter the Great, William the Silent, and Cromwell the Protector, these and these alone perhaps are to be associated with his name as the builders of States and the founders of governments. But in exaltation of moral purpose, in the unselfish character of his work, in the durability of his policies, in the permanency of the institutions which he more than anyone else called into effect, his service to mankind stands out separate and apart in a class by itself. The works of these other great builders, where are they now? But the work of Washington is still the most potent influence for the advancement of civilization and the freedom of the race.

Reflect for a moment over his achievements. He led the Revolutionary Army to victory. He was the very first to suggest a union instead of a confederacy. He presided over and counseled with great wisdom the convention which framed the Constitution. He guided the Government through its first perilous years. He gave dignity and stability and honor to that which was looked upon by the world as a passing experiment, and finally, my friends, as his own peculiar and particular contribution to the happiness of his countrymen and to the cause of the Republic, he gave us his great foreign policy under which we have lived and prospered and strengthened for nearly a century and a half. This policy is the most sublime confirmation of his genius as a statesman. It was then, and it now is, an indispensable part of our whole scheme of government. It is today a vital, indispensable element in our entire plan, purpose, and mission as a nation. To abandon it is nothing less than a betrayal of the American people. I say betrayal deliberately, in view of the suffering and the sacrifice which will follow in the wake of such a course.

But under the stress and strain of these extraordinary days, when strong men are being swept down by the onrushing forces of disorder and change, when the most sacred things of life, the most cherished hopes of a Christian world seem to yield to the mad forces of discontent—just such days as Washington passed through when the mobs of Paris, wild with new liberty and drunk with power, challenged the established institutions of all the world, but his steadfast soul was unshaken—under these conditions come again we are about to abandon this policy so essential to our happiness and tranquility as a people and our stability as a Government. No leader with his commanding influence and his unquailing courage stands forth to stem the current. But what no leader can or will do experience, bitter experience, and the people of this country in whose keeping, after all, thank God, is the Republic, will ultimately do. If we abandon his leadership and teachings, we will go back. We will return to this policy. Americanism shall not, can not, die. We may go back in sackcloth and ashes, but we will return to the faith of the fathers. America will live her own life. The independence of this Republic will have its defenders. Thousands have suffered and died for it, and their sons and daughters are not of the breed who will be betrayed into the hands of foreigners. The noble face of the Father of his Country, so familiar to every boy and girl, looking out from the walls of the Capitol in stern reproach, will call those who come here for public service to a reckoning. The people of our beloved country will finally speak, and we will return to the policy which we now abandon. America disenthralled and free in spite of all these things will continue her mission in the cause of peace, of freedom, and of civilization.

## NO SHORTCUTS IN DEMOCRACY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. HORTON. Mr. Speaker, despite the urging of the President in his inaugural address that we all should lower our voices, there is increasing noise across the entire country.

American democracy is the finest form of self-government ever devised by man. Our system was born in the hearts and minds of the Founding Fathers almost 200 years ago. It has grown, developing the United States into the greatest nation in history.

Young people today are wondering where we are going. More and more they question tradition. They want honest answers. A close friend of mine, Rabbi Philip S. Bernstein, recently presented a sermon which is an excellent dissertation on the generation gap and the future of America.

I wholeheartedly commend its reading to you and my colleagues. The sermon was carried in the editions of the weekly Genesee Valley newspapers:

POLARIZATION WRONG, RABBI WARNS: "THERE ARE NO SHORTCUTS TO PROGRESS IN DEMOCRACY—THE LAWLESS FAST WAY PROVES TO BE THE SLOWEST WAY"

(By Rabbi Philip S. Bernstein)

"Our democracy is a chaos of class violence, cultural decadence and moral degradation. Insolence is termed breeding and anarchy, liberty and waste, magnificence and impudence courage. The father gets accustomed to descend to the level of his sons and to fear them, the son to be on a level with his father having no shame or fear of his parents. The teacher fears and flatters his scholars and the scholars despise their masters and tutors. Nor must I forget to tell of the liberty and equality of the two sexes in relation to each other. The citizens chafe impatiently at the least touch of authority and at length they cease to care even for the laws written or unwritten. And this is the beginning out of which springs dictatorship, tyranny."

These words written by Plato 2,400 years ago would be considered by some a fair description of the times in which we live.

Certainly it might be considered a fair description of the attitudes, behavior, demands of articulate and conspicuous segments of American youth.

The use of drugs, the wider latitude in sexual relations, the contempt for adult values and especially alleged adult hypocrisy, the excessive demands, the violent behavior in universities, pose for us one of the most serious problems of our times.

It should also be pointed out that these are not only problems and dangers but also challenges. Youth may not necessarily have all the right answers, but they may be asking the right questions.

Young people today are concerned with the possible use of nuclear weapons which will make everything they are doing and preparing for worthless. They are concerned with the war which many of them regard as obscene and senseless. Increasingly they are opposed to a draft which compels them to serve in that war.

They are painfully aware of the unresolved race issues. "We are nearer to two societies one black one white, separate and unequal," as the National Advisory Commission on Civil Disorders concluded recently, than we were a year ago.

The slums in which most Negroes are compelled to live are appalling. De facto segregation still prevails in most ghetto schools. Unemployment remains at dangerously high levels. Negro youth is frustrated, resentful and embittered.

Real communication between whites and Negroes is diminishing. This is the kind of society in which young people are growing up and they hate it. They want to do something about it.

Although most of the brightest and most articulate come out of the middle class, they despise middle class values. Although benefiting from it they condemn the materialism of their parents, the moral isolation and smug self-satisfaction of suburban living and the insensitiveness, the indifference, to the crying needs around them.

They seem particularly sensitive to what they regard as hypocrisy, the actual patterns of the behavior of their parents and their environment in contrast to the so-called moral guidance given to the young. They are now acting out not what their parents say but what their parents do.

Let us consider some of these matters today in the framework of the historic Yom Kippur message as is to be found in the Torah and Haftarah portions.

First, it is the consensus of those who have had most to do with these young people that this is a generation of youth, brighter, more alert, more sensitive, more socially conscious, more involved, more committed, than perhaps any this country has ever known.

The Rev. Theodore M. Hesburg, president of the University of Notre Dame, writes, "The vast majority of university students today are more informed, more widely read, better educated, more idealistic, more deeply sensitive to crucial moral issues in our times, more likely to dedicate themselves to good rather than selfish goals, than any past generations of students I have ever known."

My friend William P. Tolley, just retired as chancellor of Syracuse University, says of the current generations: "They can be described only in superlatives. They are the best equipped in science and mathematics, the most widely traveled, the most art-conscious, the most literate, the best prepared students we have ever had. Moreover they are idealists. They are sensitive to social injustice. They desire a better world and a world at peace. And they want their lives to make a difference. They are the finest youngsters I have ever known."

A Dartmouth dean who looked over the personal records of the 40 students who served jail terms last Spring after they refused to leave the Administration Building said that they had markedly higher grade averages and College Board scores than the average student. "These are among our brightest students," he said. "We have to find a way to channel their abilities and energies into something constructive."

It isn't so many years ago that our chief concern about college students was that most of all they sought conformity and security. Even before they entered on jobs in corporations and banks, they were looking into the retirement benefits. I remember a well-known Washington clothier advertising to college graduates that the way to get on in the world was to buy and wear one of their quietly expensive Madison Avenue-type suits.

So young people have come a long way. I see it with our own. I can't begin to tell you how many of them warm my heart when they tell me of the specific things that they themselves are doing—for example, in the inner city.

This is a generation of youth worthy of our respect and also worth listening to as Father Hesburgh said, "Even the most far out students are trying to tell society something that may be worth searching for"—and he

adds, as I suppose many of us would,—"if they would only lower the volume so we could hear the message."

It is good for us to be reminded of our failures and our shortcomings. They help us when they puncture our inflated smugness and self-concern. We take too much for granted . . . the evils, the dangers in the world around us, and in the communities in which we live. For the most part we are not sufficiently concerned nor involved nor committed nor helpful. We haven't begun, for example, to appreciate the magnitude and the urgency of the race problem in the urban crisis that confronts us.

If these attacks upon our smugness, our unconcern, our selfishness, our self-righteousness, anger and outrage us this may be all to the good. The very tensions can present us with creative opportunities. As Will Durant writes, "It is good that the old should resist the young and the young should prod the old. Out of this tension comes a creative tensile strength, a stimulated development, a secret and basic unity and movement of the whole."

It would be wise for parents to look at these matters in the framework of historic perspective. Neither the attitudes nor the behavior patterns are altogether new. Almost an entire issue of Horizons magazine was devoted to tracing back the behavior patterns, even the costumes, the flowers of the hippies, through the generations to their early beginnings in Greek and Roman life.

It has also been pointed out that the predecessor of non-conforming American Youth today was the English Romantic rebel of the first quarter of the nineteenth century. Their ideals and ways of thought are similar. The textures of their lives tend to have much in common. Even their concepts of outward accessories and symbols have some striking resemblances.

Therefore I would counsel parents not to take minor matters too seriously. George Washington also wore his hair long. In dress the pendulum swings from year to year and will go back I am sure. Dirty feet, my wife's chief gripe, can one day be washed. Even and especially excesses of behavior require from parents patience, understanding, love and on-going loyal devotion. Believe me, no matter what the provocation, it's the only thing that in the long run will make sense.

Now let me turn to the other side of the picture to my concerns and objections regarding developments that affect youth. The first is, shall I say, a statement of personal privilege. I realize that 68, my age, and 18 haven't a lot in common, I worked my way through college, trained for a profession, made a living. I have participated in two world wars, dealt with the most terrible depression in our country's history, fought against Nazi and American anti-Semitism, helped to save the remnants of our people after six million were destroyed, lived and labored first for the birth and then for the survival of the State of Israel, and so on.

So I have a background of experience and opinions which cannot be shared at this point by young people who have hardly begun to assume their responsibilities to life.

This neither makes me a paragon of wisdom nor the epitome of senility.

I take my stand today in opposition to polarization. To attribute polarity to a situation is to maintain that there are contrasts or opposites which are as far apart as the poles. I insist that this does not apply to the problems between the generations.

In the first place who are youth? The S.D.S. The hippies? Only the radicals? VISTA asked Dr. Gallup to make a poll of the attitudes of college students. Nine hundred and seventy-two from varying colleges and strata were interviewed. Some seventy-four percent of them said that their basic political views are similar to those of their parents. Where then is the polarization?

Youth is diversified. So is the older generation. Senator McCarthy, who speaks the language of youth, is not under 30. Another, Dr. Spock is even older than I, if that is possible. The two foremost novelists in the English language, in my opinion, Nabokov and Snow, are approaching three score and ten. Those ancient relics, Picasso, Rubenstein, Casals, continue to be creative. Even forever youthful Jack Benny has reached his 39th birthday.

I make no special plea for the old but I am saying that there is no mystique of wisdom in being young. Although the youth have contributed much to human progress, I suspect that many, if not most, of the ideas that we hold in our late teens are gladly and wisely discarded as we mature. I have read that no successful revolution was ever made by the young. The American revolutionaries were mature men, as were the French and the Russians.

Let us listen then to the young with sympathy, with an open mind, and with a maximum of understanding. But let us not abdicate our own reason, and our own responsibilities. Let us judge the views of both the young and the old on their own merits and not because of the age of those who hold them.

There are no shortcuts to progress and achievement. Even O. J. Simpson is having to learn something the hard way about professional football.

Does a young person really want to accomplish something in the inner city? Then he has to learn and study and work. Noisy demonstrations may possibly serve a purpose, but it won't be a lasting one.

Do you want to be a pioneer in the Space Age? In heaven's name look at all that was involved in study, discipline, cooperative efforts in the landing on the moon.

Do you want to remove mankind's worst scourge, cancer? Is there any way short of the most intensive medical education and research?

Let me say a word here about the role of universities. Obviously the last thing in the world a university should display toward its neighboring community is callous indifference. Such an attitude borders upon both the criminal and the suicidal.

On the other hand a university has many, many important roles other than helping with the race problem. It must conduct scientific research. It must train professionals in many fields. It must teach the lessons of history. It must evoke cultured human beings with expanding horizons. It must help to create the kind of men and women who will be concerned about the world in which they live and will try to make it better. This too is relevance.

And may I ask what gives a 19 year old boy the wisdom and experience and administrative skill to run a university?

That boy and his female counterpart have every right to express their concerns and expect to be listened to. They have every right to speak up for their personal interests and to be listened to. They have every right to seek additional responsibility for the regulations that affect their college lives and be listened to.

But ultimate responsibility for administering a university must be left to its administrators or there will be no universities. Extreme violent student action will lead to even more extreme reaction on the part of the American community, the contributors to universities, and to the state and national lawmakers, which is the last thing we want.

It is not true liberalism to be fuzzy-minded about these matters. That has been one of our problems: The well-meaning people who are guilt-ridden and who intuitively feel that whatever a racial minority wants is right whether it is right or not, that whatever extreme students demand, should be granted, right or not.

For me, true liberalism is Civil Rights. It's the Bill of Rights. It's the Declaration of Independence and the Constitution of the United States applied equally to all elements of our population and to all our institutions.

My advice then to young people, is I hope, not ambivalent but balanced. On the one hand, think for yourself. Speak out for your beliefs. Demonstrate, organize, work for causes you believe in.

But remember there is no substitute for education, no substitute for training, no substitute for self discipline, no substitute for character.

Nor in my opinion is there a substitute for law and order. I know that these words have become a shibboleth of reaction and often I ask where were the advocates of law and order when the Negroes were being denied their rights.

The other night they resurrected the film, "To Kill a Mockingbird," and just looking at that movie showed us how far we have gone in the past decade and how Negroes were denied the most elementary protection of the law.

It was less than ten years ago, according to a feature article in Life magazine this past week, that Martin Luther King was arrested and imprisoned contrary to his legal rights and in defiance of what we call law and order.

Nevertheless I say that law and order are the foundation of a democratic way of life. Without them nothing is safe. Our fathers understood that. They said that even a disliked king must be respected, for if you remove the king, society becomes a jungle and men become beasts.

The sight of fanatically idealistic and dedicated young people wanting action without having a clear idea of where they are going, insisting on confrontation even without a program, is all too reminiscent of the behavior of German youths which led to nazism and the behavior of Italian youths which led to Fascism.

There are no shortcuts to progress in a democratic system. The lawless fast way proves to be the slowest and the worst way in the long run.

Democracy can function. Young people have seen that. Look at what they did to help Senator McCarthy win in New Hampshire. And if their candidate was not nominated at the Democratic convention, that's the way of American political democracy.

And if you don't like it, work to change it. But always within the framework of the democratic system, as many people are seeking now to eliminate the anachronisms of city-county separate governments and to eliminate the stupidity and wastefulness of our present state governmental machinery.

Now a word in defense of our country. Perhaps I have stronger feeling on this subject because my parents came from Europe and I learned the difference from early moments of consciousness. They did not find gold on the trees here and they lived modest humble lives barely making a living.

But here they found freedom and opportunity not even conceivable in the old world from which they came. Here all three of their children were able to get an education and to make something of themselves and to give some contribution to the American society which afforded them these opportunities.

In all human history there has been nothing like the United States of America. It has produced the highest standard of living ever known. No longer as in all the millennia of human deprivation and starvation and suffering need man be short of anything for his basic physical needs. There may be some problems of distribution, but those can be remedied.

All we need to do is think of the hundreds of millions who go to bed hungry every night

in Asia and Africa to realize how blessed this land is.

Here the most humble have had the opportunity to make something of themselves. Here, in spite of wars and depressions, basic freedoms have been retained and the democratic process has survived.

Obviously there are faults and shortcomings and weaknesses and injustices. But these are correctable within the framework of American democracy. Both the disease and the healing were provided at the same time.

So I am not suggesting that it's my country right or wrong. Of course wrongs should be righted and policies should be opposed and criticized when one's knowledge and conscience leads one to such conclusions.

But the attitude of which I have seen and heard too much should be discouraged. It's an attitude of self hate, self contempt, of self abnegation as Americans which in my judgment is not only unjustified but also dangerous.

Because, as Arnold Toynbee has pointed out, nations are not destroyed from without. They may be defeated but if like the Jews they have the will to live, if they have faith in themselves, if they have a purpose and a goal, they survive.

And that as I see it is the danger to America today. Not that we will be destroyed by the enemy but that we may lose our sense of national unity, of national purpose, of national worth.

So I am suggesting not flag-waving patriotism and not the support of every policy right or wrong, put a style of approach to our national problems which will be more in the nature of a lovers' quarrel rather than of hatred and contempt and disdain.

Many of our brightest and most sensitive young people don't yet understand this but I pray they will. For their own future is involved in such understanding.

I submit that my message to you this morning is an interpretation and extension of the teachings of the Haftarah and Torah portions of our Yom Kippur Service.

The Prophet Isaiah asks, "Is not this the fast that I have chosen? To loose the fetters of wickedness, to undo the bands of the yoke and to let the oppressed go free and that ye break every yoke? Is it not to deal thy bread to the hungry and that thou bringest the poor that are cast out to thy house? When thou seest the naked that thou cover him and that thou hide not thyself from thine own flesh?" . . .

If we then will seek to love and help our fellow man and if we will do it within the framework of Torah and Mitzvah and Hukah, of law and self discipline and the democratic process, then we too will find that the commandment which we are commanded this day is not too hard for us, neither too far off, but the word is very nigh unto thee, in thy mouth and in thy heart that thou mayest do it.

And perhaps we will find that this commandment and these ways equally binding the young and old, will be a unifying force, a bridge, between the generations.

#### HONORING THE SERVICEMEN

**HON. BILL CHAPPELL, JR.**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. CHAPPELL. Mr. Speaker, I want to take this opportunity to commend the people and officials of the city of Atlantic Beach in their resolution honoring those who serve this Nation. I wish to read

this resolution so that it may become a part of the RECORD:

#### RESOLUTION 69-24

Whereas, the people and officials of the City of Atlantic Beach recognize and appreciate the service and sacrifice of our men and women who serve and have served in the Armed Forces of the United States of America, and

Whereas, we sincerely and prayerfully desire that we may attain peace with honor,

Now, therefore, be it resolved by the City Commission of the city of Atlantic Beach, Fla., that, we do honor all of those both living and dead who have so valiantly served to keep our nation under God strong and free, and we do solidly support the President of the United States in his efforts to attain an honorable peace, and

Be it further resolved that, copies of this Resolution be forwarded to the President of the United States and to our Florida members of Congress.

Introduced by William S. Howell, Mayor-Commissioner.

Passed by the City Commission on November 10, 1969.

I commend all the people and officials of the city of Atlantic Beach in their statement of loyalty and support of the United States in its efforts for peace.

THE ARCHIBALD M. AIKEN  
BRIDGE

**HON. W. C. (DAN) DANIEL**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. DANIEL of Virginia. Mr. Speaker, early in December the Virginia State Highway Department and the city of Danville, Va., will open a new bridge across the Dan River. The bridge will be named The Archibald M. Aiken Bridge in tribute to and in appreciation for a lifetime of service to the people of the area by Corporation Court Judge A. M. Aiken.

The Danville City Council could not have honored one more deserving. Judge Aiken is a loyal and dedicated American, an avid constitutionalist, a man of great moral principle, deep compassion, and scrupulous impartiality.

Mr. Leon Smith, vice president of radio station WBTV in Danville, has written a moving editorial which reflects the sentiment of an overwhelming majority of his radio audience. I insert Mr. Smith's editorial in the RECORD.

#### THE ARCHIBALD M. AIKEN BRIDGE

Danville City Council, in a resolution this week, designating the City's new Broad Street Bridge "The Archibald M. Aiken Bridge", referred to the Corporation Court Justice as "a paragon of integrity, courage, brilliance and justice—a man of great but modest stature, who, during his very useful life, has rendered monumental services to both his community and nation."

The honor of a lasting monument, and the description of the person, more than most Danville citizens realize, befit the man. A relative few in the City, because of the nature of Judge Aiken's position in the community, meet him professionally, but the impact of his position as arbiter of the community's affairs in matters of law for two decades has left its beneficent mark on each

and every one of us. These things are not always self-evident, and Danville City Council has chosen wisely in bringing them to our attention in dramatic fashion.

To his everlasting credit, Danville's Judge Aiken, in an age that has witnessed the very chipping away of the concept itself, has consistently been a law and order judge, his primary consideration the protection of the rights of the individual; the peace and safety of the community against forces bent on turmoil and destruction of its institutions. It hasn't always been easy.

In recent years Danville has not escaped the forces of change which have brought periods of dissension which in other communities across the nation have grown to riots and criminal disorder at the expense of law-abiding citizens. Rather than flinch in the face of intimidation, our Judge has always stepped into the breach with the powers authorized to him by the State. For his timely and courageous action at such periods of emergency, Judge Aiken has been criticized elsewhere in the nation and the world, but never at home, though his decisions are as applicable anywhere as they are in Danville, Virginia. Although he has been tried and found wanting in more liberal press and periodicals of this country, it's noteworthy that appeals from Judge Aiken's decisions have availed little, his rulings at law found forthright and true to the concepts of justice.

Judge Aiken's awesome position of trust and responsibility in the community, State and nation, is obviously, because of his years, not ours for as long in the future as in the past. It's therefore an act of just tribute that Danville City Council, in its wisdom, has paid homage to one among us whose contributions are woven into the fabric of our heritage.

#### WILLIAMSBURG OF THE WEST

### HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. DELLENBACK. Mr. Speaker, the small but vibrant southern Oregon town of Jacksonville has been called the Williamsburg of the West. Designated a national historical monument, the town has a long and colorful history as a mining settlement.

An interesting article about Jacksonville which appeared in October 14 issue of the Christian Science Monitor follows:

#### WILLIAMSBURG OF THE WEST

(By Kathy Cosseboom)

JACKSONVILLE, OREG.—As a "Williamsburg of the West," this community re-creates the aura of a Western mining town of the late 19th century.

Jacksonville, a national historic monument, is nestled in a valley in the Cascade Mountains of southern Oregon.

The town originated when two packers found gold in Daisy Creek in 1851—the site is marked. Between 1853 and 1880 \$31 million worth of gold dust passed through the town's bank. Visitors today can see that bank with its scales and safe. And visitors can pan for gold, too.

Farmers and their families tamed the town. Because these settlers wanted the society they'd known in the East, they built churches and schools. Tourists can visit three of the churches.

Many of the homes built between 1860 and 1900 are open to the public.

Visitors to the Jacksonville museum will learn about events in the often dramatic

growth of the town. A woman who single-handedly held off Indians for 16 hours and a man and a boy who caught a much-sought-after bear, are two stories told in the museum.

A collection of photographs by Peter Britt records the town and people as they looked in the 1860's. The equipment early settlers used to heat their orchards and fight fires is shown. Included is a hand-pulled hook and ladder with leather buckets.

Other places of interest include: Odd Fellows Hall, built with two feet of dirt between the roof and the ceiling to protect it from flaming arrows; the hotel where President Rutherford B. Hayes once stayed; and the McCully house, an old schoolhouse that is now a museum housing more than 750 dolls.

Twenty years ago Hollywood came to Jacksonville and made the film "Last of the Wild Horses." The filming drew attention to the character of the town and caused the townsfolk to preserve many of the oldest buildings.

#### GIVE NIXON MORE TIME

### HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. HUNGATE. Mr. Speaker, I believe my colleagues will be interested in the following comments on the President's Vietnam policy:

ANOTHER OPINION: GIVE NIXON MORE TIME  
(NOTE.—Following are excerpts from a commentary that appeared in a current issue of the British weekly, The Economist.)

[President] Nixon's risk [with his Vietnam policy] is not an uncalculated one. The calculation lies in the extraordinary paradox that is slowly coming to light in Vietnam. The great battles of 1968, which so many Americans interpreted as the defeat of their army and which therefore led them to want to get out of the war forthwith, were in fact a defeat for the Communists on such a scale that Mr. Nixon can now afford to start the process of pulling troops out without bringing the roof down on his head. . . . Of course, the statistics churned out by the computer in Saigon have to be taken with a large pinch of salt. The Communists' big units are still in existence, though most of them have retreated over the border; and a lot of the Vietcong's local men are probably just keeping their heads down as the Government's men move into their villages. But the essential fact is that the de-Americanization of the war, which could not have been started in 1967, can be started in 1969 because of what happened last year.

This is what gives Mr. Nixon his opportunity to appeal to the silent—or bemused—center of American opinion. He is asking it to support a policy which consists of offering the National Liberation Front a choice between submitting itself to an election (an election it would itself help to supervise) and, if it ducks that, watching the Americans withdraw at a pace that gives the South Vietnamese a chance to take over the fighting from them. It would be foolish to say confidently that Mr. Nixon is going to be able to hold a substantial majority of Americans behind this program. It has to be assumed that he will probably have to go on providing the doubters with a fairly regular diet of troop withdrawals. He will want to keep the casualty lists down below the figure they were running at earlier this year; and that may mean pushing too many half-ready South Vietnamese into the fighting too soon. He also has to reckon that the antiwar minority in America, even if it

stays a minority, may try to impede the normal working of American society. There are many things that could break the fragile basis of support he so badly needs to keep intact. . . .

#### A KEY QUESTION

But even if he pulls it off [withdrawal of most of the American army at a speed he considers safe] there is still one unanswered question. What is to prevent North Vietnam and the Vietcong from waiting until the process is complete and then roaring back in to do what they couldn't do when the Americans were there? It is the fear that just this will happen that accounts for many Americans' misgivings. And it is the hope that it will turn out this way that is sustaining the long-war advocates in Hanoi.

The answer, or what Mr. Nixon hopes is the answer, is to be found in the process that is now taking place in Vietnam. The longer the present situation continues, the safer it is to forecast that three things will happen. The first is that the price Mr. Nixon has to pay for even a remotely quiescent American public opinion will be the evacuation of a steadily increasing number of American troops. This is where the clock is working against him. But time is working on his side and against North Vietnam in two other ways. The longer the withdrawal of the American army takes, the further the rearming of the South Vietnamese army will go. Of course, this army is at best an imperfect instrument. But the period of relative rest it enjoyed when the Americans were doing most of the fighting in 1966 and 1967, and the morale it recovered in the Tet offensive last year, have restored some of its fighting quality. By 1971, with the help of American bombers and artillery, it may be capable of holding the frontiers. And, second, the longer the frontiers can be held against the Communists' big units the more of the Vietcong's local organization inside South Vietnam is going to be destroyed. This is the real dividend of the battering the Communists took last year. The reoccupation of the countryside that followed the Tet offensive exposed the local cells of the National Liberation Front. These cells constitute the water in which, in Mao's phrase, the fish of revolution swim. The Saigon Government at last has a chance, if it is ready to take it, to drain the tank.

This is why North Vietnam, like the United States, is betting against time. It is a simplification, but not an unfair one, to say that the issue depends on which of two things happens first: the destruction of the Communists' organization in the countryside, or the removal of the American forces, under the pressure of American opinion, before the South Vietnamese army is ready. . . . That is why Mr. Nixon is still asking as many Americans as will listen to him to hold on.

#### POVERTY LEGAL SERVICES

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. ANDERSON of California. Mr. Speaker, politics must be kept separate from poverty law programs if our Nation's legal service programs are to effectively function, especially in controversial cases.

Recent Senate adoption of an amendment by Senator GEORGE MURPHY to S. 3016, relative to the veto power of Governors over any legal services program assisted by the Office of Economic Opportunity, threatens to allow political intrusion into such programs.

A recent Los Angeles radio station KNXT editorial, in opposition to giving Governors final veto in the operation of these programs, I believe, merits the attention of my colleagues.

The editorial follows:

#### POVERTY LEGAL SERVICES

The United States Senate this week passed a bill which gives state governors veto powers over poverty legal services programs funded by the Federal government.

Those favoring the veto powers argued that the government should not finance legal actions against government agencies.

On the surface this sounds very convincing, except that government agencies have been suing each other for many years to settle important points of law.

But poverty law is new, and its actions against state and local agencies generally have been unpopular with local officials. An example of this was the successful action against Governor Reagan and the State Medical Program, which prevented reductions in medical benefits for 1½ million Californians.

Those opposing veto rights for governors, including the American Bar Association, fear the intrusion of politics into poverty law programs.

State governors already have powers to force reevaluation of poverty law programs in their states. KNXT strongly opposes giving governors final veto in the operation of these programs. Poverty law should enjoy the same climate of freedom now enjoyed by corporation or criminal law, to pursue unpopular causes. That fits our legal tradition.

#### THE RETIREMENT OF REV. ALADAR EGYED AFTER 55 YEARS IN THE PRIESTHOOD

### HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. FEIGHAN. Mr. Speaker, November 30 will officially begin the retirement of one of this Nation's most respected and esteemed Lutheran leaders. It would not be fitting to allow this clergyman to step down from his pastoral duties without recalling the innumerable contributions he has made to his people.

Rev. Aladar Egyed, ordained a priest in Hungary 55 years ago, was forced to escape from his native country in 1944 due to his unpopular political views toward the totalitarian government which dominated his nation.

To that time, he had enjoyed a prominent ecclesiastical post immediately beneath the Lutheran bishop of Hungary, and had spearheaded efforts toward the cause of ecumenism two decades before such a Christian unity movement was either encouraged or popular.

He carried his ecumenical beliefs to America and Cleveland, Ohio, where he served all Hungarian people with his leadership and wisdom, regardless of their religion, thus earning the admiration and respect of the entire Hungarian community.

The Reverend Egyed has been a leading member of such organizations as the Committee for Hungarian Liberation and the National Committee of Hungarians of Czechoslovakia.

As editor of the monthly Lutheran newspaper, *Mighty Fortress*, which is

read by tens of thousands in the United States as well as Canada, he had adhered to the highest principles of journalism in his practice of fairness, accuracy, and depth of reporting.

His retirement from pastoral and civic work marks a loss not only to citizens of the Lutheran faith, but to people of all religions; to Hungarians in this country, as well as abroad; and to this Nation as a whole, which has been enriched by his selfless and devoted leadership, and the culture he brought with him and helped to promote.

#### SNEERS AT VICE PRESIDENT WILL NOT DISPEL DOUBTS ABOUT MEDIA'S PERFORMANCE

### HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. EDWARDS of Alabama. Mr. Speaker, after hearing all the commentaries and reading the columns and news-stories during the past week concerning the Vice President's speech criticizing the television network news media, I had to go back and reread the speech. I was sure they were talking about a different one than I had first read. But regardless of whether the aftermath of comments are accurate or not, the doubt about the veracity and objectivity of the national television news coverage still remains.

I recommend to my colleagues the following column which appeared in the *Washington Post* this morning. It is a small spark of light in the cloud of smoke rising from the ashes of an overheated television circuit:

#### SNEERS AT VICE PRESIDENT WON'T DISPEL DOUBTS ABOUT MEDIA'S PERFORMANCE

(By Richard Harwood and Laurence Stern)

When Vice President Agnew unloaded last week on the alleged biases of the "tiny and closed fraternity of privileged men" in the television news business, cries of foul were heard throughout the land.

That often happens when public figures attack the media, probably because there is a theory in the industry that people shouldn't bite back at their dogs.

In Agnew's case it has been charged that he seeks to erode "freedom of the press," that he is trying to muzzle the administration's critics, that he is subliminally blackmailing a \$3 billion industry with a reminder that TV licenses are given and taken away by a Federal Communications Commission whose members are appointed by the President. There is even talk about a new era of McCarthyism.

"My feeling," an overwrought CBS commentator told *Newsweek*, "is that the White House is out to get all of us, all the liberals in all the media. . . . We're in for some dangerous times."

Perhaps. But the issue of media performance is not going to evaporate in this country simply because publishers and network presidents wrap themselves in the First Amendment and sneer at Spiro Agnew. For the facts are that the media are as blemished as any other institution in this society and that there is growing public concern over their performance.

This is reflected in the spectacular proliferation of underground newspapers whose constituents are young radicals and dropouts

turned off by the Establishment press. It is reflected in the creation (with private and public funds) of a vast network of "educational" television stations offering an alternative to whatever it is that the commercial networks happen to be selling.

In Chicago, reporters and editors think so little of their daily product that they produce each month a *Journalism Review* cataloging the sins and omissions of the newspapers that employ them.

Politicians from Dwight Eisenhower to George Wallace to Eugene McCarthy have raged at the Eastern Liberal Press. Newton Minow, a former chairman of the Federal Communications Commission, and Nicholas Johnson, a present member of the Commission, made their reputations assailing the TV "wasteland" to the cheers of many of the same editorial writers and critics who are now shocked at Agnew's gall.

Indeed, Commissioner Johnson has been one of the principal advocates of community pressure groups that are trying, in Agnew's phrase, to make television stations more "responsive" to public desires in programming.

If successful, these efforts will lead to the transfer of television licenses in various cities—Jackson, Miss., New York and Washington, for example—from "conservative" to "liberal" owners and managers.

One of the reasons for all this agitation is that people have come to recognize that the selection and presentation of information and "news" is a very unscientific enterprise. Except for a few platitudes about "objectivity," "responsibility," and "news that's fit to print," there are no accepted or enforceable standards in this business.

"News" is what the media say it is and the definition varies from day to day and place to place. It was "news" in the *Washington Post* and the *New York Times* last week when three doves in the Senate announced support for antiwar demonstrations on Nov. 15. It was not "news" at all in the *Times* the following day when 359 congressional hawks and dawks endorsed the President's negotiating posture on the war.

In some parts of the country last week, people were told that Washington was braced for war against the howling mobs in the city. Elsewhere they read about love and singing and picnics on the public lawns.

There is no conspiracy in any of this, despite Spiro Agnew's dark suspicions. But there is much room for criticism, debate and discussion. And that debate and discussion need not be limited—should not be limited—to the dreary convention halls of the broadcasters and editors.

#### DR. GEORGE KOZMETSKY

### HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. PICKLE. Mr. Speaker, a number of distinguished Americans have been invited to appear in Washington in late January as guest panelists before a congressional panel discussing the management of knowledge and information.

Among them is the dean of the University of Texas College of Business Administration, Dr. George Kozmetsky.

Dr. Kozmetsky will present a paper on "Education as Information Systems."

He will appear as a guest before the 11th annual meeting, January 27-29, of the panel on science and technology of the U.S. House of Representatives Committee on Science and Astronautics.

Among others who have accepted the

invitation of the House panel are McGeorge Bundy, president of the Ford Foundation, and former U.S. Chief Justice Earl Warren.

The panel on science and technology is composed of 15 prominent scientists, professors, and engineers who meet once a year with the House Committee on Science and Astronautics to discuss a subject of crucial importance.

Some of the general topics to be explored by the panel and its guests are "Computers, Communications, and the Economy," "The Individual, the State, and the Machine," and "Education for a Changing World."

Dean Kozmetsky's professional specialties include system analysis, organization theory, quantitative methods, information handling, application of digital computing techniques, and system management.

RESOLUTION OF THE AMERICAN WAR DADS, SPRINGFIELD, MO., CHAPTER 6

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. HALL. Mr. Speaker, I have received a copy of a resolution approved by Chapter No. 6 of the American War Dads of Springfield, Mo.

The resolution was presented by the Honorable O. K. Armstrong, a former Member of Congress, at the convention of the Missouri State Association, American War Dads, in Jefferson City, Mo.

The resolution follows:

RESOLUTION OF THE AMERICAN WAR DADS  
(Presented by Dad O. K. Armstrong and adopted, June 2, 1969)

Whereas; the tragic war in Vietnam has gone on for more than seven years, at a cost of 35,000 Americans dead, 175,000 wounded, and the expenditure of more than \$80 billion in money and resources; and

Whereas; our fighting men of all branches of the service have been forced to do combat under restrictions never before imposed upon servicemen in war, including: sanctuaries for the enemy troops in Laos, Cambodia, and North Vietnam, making impossible for our troops to counterattack; refusal of our government to permit the closing of the port of Haiphong, through which material of war has been imported, principally in ships of the Soviet Union, to kill our servicemen and to devastate the people and homes of South Vietnam; and refusal to permit our commanders in the area of combat to strike targets that would most effectively cripple the Communist aggressors; and

Whereas; the "peace talks" between the United States and South Vietnam on one hand, and the Communist regime of North Vietnam on the other hand, have been going on for a year, with no results, while the slaughter of the flower of American youth continues on the battlefield; and

Whereas, President Nixon on May 14, 1969, offered a plan to bring about an end to the war; now therefore be it

Resolved; by the Springfield Chapter No. 6 of the American War Dads that while commending President Richard Nixon for his recent statement regarding the prospects for peace in Vietnam, we American War Dads urge the President, in the event the enemy aggressors do not respond promptly and favorably to his offer to take firm and vigorous action, by every military means necessary, to gain a cease-fire and end the war.

Specifically, we urge the President to pursue this course of action:

1. Set a time limit on the so-called "Negotiations" in Paris unless a cease-fire is obtained.

2. Give notice that if the cease-fire is not agreed to within the specified time, military action will be taken to crush aggression of North Vietnam.

3. If there is not a cease-fire, close the port of Haiphong with a complete blockade on all war material for North Vietnam; resume bombing of military targets in North Vietnam without the present restrictions; permit no further sanctuaries for enemy military action.

Be it further resolved, that we urge the President and Members of Congress willing to support him in ending the war with the attaining of our objective of a free and independent South Vietnam, not to yield to theorists who advocate a coalition government with the Communists, in the light of the proven fact that "coalition" to the Communists mean their opportunity to take over the entire government as soon as convenient; and

Resolved, that we call upon the War Dads all over this nation, and upon all veterans of military service who have fought for human liberty during our lifetime, and upon all citizens who believe the time has come to end that war with honor and justice, to join us in this program.

This resolution was presented at the Convention of the Missouri State Association, American War Dads, in Jefferson City, Missouri, and was adopted, August 23, 1969.

THE SILENT MINORITY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. WALDIE. Mr. Speaker, much has been said of late about the "silent majority." We have been led to believe that 55,000 telegrams to the White House following the President's recent speech on Vietnam policy was a dramatic indication of the restiveness of that "silent majority."

The Contra Costa Times, a newspaper in my district, conducted a recent poll—a poll, Mr. Speaker, that was astonishing when the results were revealed.

Using questions I used in a questionnaire 2½ years ago on the Vietnam war, the respondents' replies to the same questions asked but 3 weeks ago indicate a positive and overwhelming abandonment of "hawkishness" to a definite "doveishness."

Thirty months ago, Mr. Speaker, 64 percent of those polled indicated their willingness to continue the war, as it was in the best interest of the Nation to do so. Today, Mr. Speaker, only 16 percent indicated that position, 84 percent said it was not in the best interest of the Nation to continue this war.

On a question regarding escalation of the war, 30 months ago, 56 percent of those polled said we should escalate the conflict. Today an overwhelming 87 percent said no escalation.

And 30 months ago when there were no Paris talks, 81 percent of the respondents

said they wanted an intensification of peace efforts.

Today, with Paris peace talks underway, 77 percent indicated their desire for an intensification of peace efforts by this Nation.

Mr. Speaker, are these good people representative of the "silent majority" of which the President speaks?

If so, I would humbly suggest that the 300,000 or more citizens who marched in Washington and San Francisco last week, and the persons who replied to the Contra Costa Times are a "vocal majority." And I would further suggest that the administration consider their voices when it seeks to ascertain the will of the majority of Americans.

Mr. Speaker, I would like to place a column by Richard L. Davis, editor of the Times, describing this amazing poll in the RECORD.

The article follows:

ANSWERS REVERSED ON VIETNAM QUESTION

Just 2½ years ago, a poll conducted by Congressman Jerome Waldie among his constituents brought these results:

Do you generally concur the nation's interest demands we continue the war in Vietnam? Yes, 64 per cent; No, 26 per cent; Undecided, 10 per cent.

Do you believe we should escalate that war militarily? Yes, 56 per cent; No, 32 per cent; Undecided, 12 per cent.

Do you believe we should intensify our efforts to bring about a peace conference? Yes, 81 per cent; No, 13 per cent; Undecided, 6 per cent.

What a difference 2½ years can make! And there is no longer any indecision about the answers.

A week ago today, we asked our readers the identical questions.

To Question 1, 84 per cent said "No, the nation's does NOT demand that we continue this war." Sixteen per cent said Yes, and there was NO undecided.

NO ONE UNDECIDED ANY LONGER

To Question 2, 87 per cent said "No, we should NOT escalate the war militarily." Thirteen per cent said we should. Again, there were NO undecided votes.

To Question 3, 77 per cent said the United States should intensify its peace efforts, representing a drop of 4 per cent below the figure of 2½ years ago. Twelve per cent said we shouldn't, and 1 per cent was registered as "undecided."

All this would indicate to us that opinion in Contra Costa County, at least, has been polarized to the point that virtually no one is standing on the sidelines saying he couldn't care less about the war in Vietnam, and in a democracy this is a most healthy and hopeful sign.

During the past week since we published our own poll on this extremely controversial subject, we have been the object of considerable invective by telephone and letter.

In defense, just a word. To those who accuse us of "loading" this poll, this was certainly not our intention. We did it in good faith and it should be accepted as such. We are convinced, however, that whenever anyone dares to seek out public opinion on such an emotional issue he is certain to be accused of asking questions that at best are self-serving. Honestly, we only asked the 2½-year-old questions.

In the bottom half of the poll, we were merely attempting to feel the public pulse on support for the President at this point, and how strong the feeling might be to call the whole thing off.

To the question, Do you support President Nixon's policy of gradual de-escalation and Vietnamization of the war, 50 per cent said

they do, 49 per cent say they don't, and 1 per cent are undecided.

To our second question, Do you believe we should walk out of the Paris Peace Conference, bring all our troops home and leave the fate of South Vietnam to the South Vietnamese, the vote was 51 per cent No, and 49 per cent Yes.

Obviously, as some of our readers pointed out, this second question requires three answers, if response is to be correctly gauged, but what we wanted was the "ultimate" in reaction from our readers, and believe me we got it.

There were notes, letters, explanatory notes written on copies of the column, postcards and a good number of telephone calls.

#### COMPLEXITIES MOST EVIDENT

What our own little survey proved to us is that there isn't, at least in Contra Costa County, the overwhelming support indicated by national surveys to the question about how Mr. Nixon is conducting policy at the present time.

Also there is substantial support for the argument that we should bring our boys home at the earliest possible time no matter what the problems this move might pose for Southeast Asia.

As we said in the original column last Wednesday; "If you find it hard to answer some of these questions, perhaps you can understand in some measure the complexity of the problems faced by our national leaders in Washington."

The answers, accompanied by explanations of varying lengths, only support my apprehensions.

Unfortunately, we live in an age of cynicism and suspicion. However, please be assured, readers of this column, that any polls or surveys conducted here are only aimed at giving all of us a better idea of just which way public opinion is shifting, not the way we would LIKE to see it shift.

#### THE PRESIDENT'S SPEECH ON VIETNAM

### HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. SLACK. Mr. Speaker, the President's speech on Vietnam has brought forth public comment in every American city and every world capital. Commentaries and interpretations have dealt with every statement, implication, and suggestion contained in the President's words.

Yet, nothing I have read from any source states the proposition more clearly than an editorial by Mr. Newton Nichols, editor of the weekly Clay Messenger in my congressional district which was published on November 11. I commend it to your attention as a demonstration of the fact that the leadership of our smaller communities has the capacity to come to grips with the essentials of the situation and to understand the real choice which faces this Nation:

#### THE PRESIDENT'S SPEECH

It is difficult to see how President Nixon could have gone much further than he has in making concessions to the Communist dictatorship in Hanoi—other than complete capitulation. This, as President Nixon pointed out, would simply escalate the killing of all freedom-loving Vietnamese by the hundreds of thousands. It would not stop the war.

Further—and this was central to his thinking—an immediate withdrawal of American forces now would vastly increase the probability that the "younger brothers and sons" of the men now fighting in Vietnam will be called upon to resist Communist military aggression someplace else in the world.

At this time of history, President Nixon has been offered a choice which has been offered to many Presidents before him, all the way back to Washington; peace at the price of freedom. It is clear that Mr. Nixon is determined not to be the first President to buy that "bargain."

History will furthermore record that the United States and their many allies has offered the Communist dictators in Hanoi complete withdrawal of all outside forces within one year, a ceasefire under international supervision and free elections under international supervision with the communists participating in the organization and conduct of the elections.

All of these offers, President Nixon pointed out, have been rejected by the enemy. Clearly, the question is, why? The war would end tomorrow if the Communists would accept these proposals.

If it is the will of the majority of the people of Vietnam to accept communism (a declaration that has been made by some of Mr. Nixon's critics) why does not Hanoi end the war now, hold the elections, and allow the Vietnamese people to peaceably vote for Communist candidates? Surely this is a most generous, and most unusual proposal. Until and unless the carping critics of the President's policy come up with an answer to that question, they are being less than honest with the American people—and with themselves.

#### FOREIGN TRADE

### HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, there are many good reasons to support President Nixon's new initiative in foreign trade. The bill he has proposed is clearly in keeping with his often-stated concern for those particular Americans whose interests may be harmed by policies adopted for national reasons.

I am referring, of course, to long overdue reforms in provisions for assisting American firms and workers who have been damaged or threatened with damage by shifts in foreign trade. When the President says, "The price of a trade policy from which we all receive benefits must not fall unfairly on the few," he has my full support.

When the Trade Expansion Act of 1962 was passed, American industry and workers were assured that they would be helped by a program of adjustment assistance if imports created problems for them. Unfortunately, this program has not worked. The tests demanded by the act are too severe and complicated to be met by anyone experiencing or threatened by import injury.

The President has now proposed a simple test for deciding when adjustment assistance should be provided or tariffs raised to give relief from injurious imports.

His bill provides that relief will be

available whenever increased imports are the primary cause of actual or threatened serious injury. The American producer, given a breathing spell, can be expected to overcome market competition, but he is likely to be out of business if he must first prove that a tariff reduction was the cause of his trouble.

I am particularly heartened by other provisions in the bill such as proposals that would enable the United States to crack down on unfair practices that other governments may use to restrict our exports to their markets or to third countries. It seems quite clear that the President has given us a realistic and workable bill that all schools of opinion on trade policy can unite behind.

#### DEMOCRATIC STUDY GROUP ANALYSIS OF PROPOSED REORGANIZATION BILL

### HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. GIBBONS. Mr. Speaker, no issue touches more directly on the ability of all of us to effectively represent our constituents and legislate appropriately on the major issues confronting our Nation today than the question of congressional procedures. Congressional reorganization and reform is a matter that affects all of our interests and concerns.

A special subcommittee of the Rules Committee has been studying this matter for several months and has released a 143-page, 28,000-word committee print of proposed legislation on which hearings are now being held. A hearing is scheduled for tomorrow, Thursday, November 20, and additional hearings are expected to be scheduled soon thereafter.

Among the items included in the proposed bill are changes in committee procedures and staffing, broadcasting of committee hearings, and floor sessions, major new fiscal controls, data processing, payroll, and so forth.

Because of the importance and complexity of this issue, the staff of the democratic study group has prepared an indepth analysis of the proposed bill. I commend this excellent DSG study to all Members, especially those who plan to testify before the subcommittee this week or next:

#### DSG STAFF ANALYSIS OF PROPOSED CONGRESSIONAL REORGANIZATION BILL

(NOTE.—Only provisions applicable to the House of Representatives are described. Page numbers refer to the Committee bill.)

#### TITLE I—THE COMMITTEE SYSTEM

#### Section 101: Rulemaking power of the Senate and House—page 2

This section acknowledges the power of the House to change its rules at any time.

#### Section 102: Calling of committee meetings page 2

Present House Rules (Clause 26 of Rule XI) require each committee except Appropriations to schedule regular weekly, bi-weekly or monthly meetings for the transaction of committee business. They provide

that a committee chairman may also schedule additional meetings as he deems necessary.

Each committee is required to meet to discuss any business before it on the scheduled meeting date, at the call of the chairman, or when a majority of the committee has called a meeting when the chairman has failed to do so.

In order for a majority to call a meeting, three members must first make a request. If the chairman does not call a meeting within three days of a request at a date within seven calendar days, a majority of the committee may file a notice in writing setting the time and place for the meeting.

*The Committee Bill* adds the Appropriations Committee to the committees covered by the provisions related to the calling of meetings. It permits the chairman to call a meeting to consider any bill or resolution before the committee or for other committee business.

The bill is more specific in that it spells out the procedures by which a majority of the committee may call a meeting. It requires that the original request be in writing, that the staff immediately notify the chairman of the request, and that the staff notify all members of the time and place of any meeting called by this method. The bill does not, however, change the number of people needed to call a meeting or alter the three day waiting period.

The Committee bill includes a new requirement that regular meeting dates be set by written rule adopted by the committee. It requires the committee to meet on the regular date to consider any bill or resolution before it or any other committee business unless otherwise provided by written committee rule.

The bill also provides that if the committee chairman is absent from any regular, additional or special meeting, the ranking member of the majority will preside. The present rules do not provide for this situation.

*Impact.*—The committee bill provides no major change in present practice. It does include the Appropriations Committee under the rule. It also appears to more specifically allow the chairman to call a meeting for a specific purpose rather than permit any business to be taken up at an additional meeting called by the chairman. However, the bill does not alter the number of people needed to call a special meeting, nor does it change the three day waiting period.

*Section 103: Open committee business meetings—page 5*

*Present House Rules* (Clause 26 of Rule XI) require that all meetings conducted by standing committees or their subcommittees be open to the public except executive sessions for marking up bills or for voting. A majority of the committee may also order a closed executive session.

The present rules do not distinguish between meetings and hearings.

*The Committee Bill* would exempt the Appropriations Committee from the provision requiring open business meetings. It requires that all meetings for the transaction of committee business will be open to the public except executive sessions. Unless the committee by written rule adopts another definition, executive sessions include markups, meetings for voting on measures or matters and meetings to discuss internal committee business.

The Committee bill differs from present rules in that it differentiates between meetings and hearings. Hearings are covered in Sec. 112. They will not be open to the public when the committee decides that testimony may relate to an internal security matter; may reflect adversely on the character or reputation of the witness or another; may tend to defame, degrade or incriminate any

person; or they should not be open for any other reason.

*Impact.*—The bill formalizes and gives House approval to the present Appropriation Committee procedure of holding closed meetings by exempting that committee from the open meeting requirement. While the bill does eliminate the provision which allows a majority of the committee to vote to hold a closed meeting, it defines most committee meetings as executive sessions anyway.

The proposed rule would permit committees to hold open executive sessions if they adopt rules to that effect but it does not encourage such a procedure.

*Comments.*—The bill should encourage open sessions of all committees including the Appropriations Committee. It should not sanction legislating in secret. Open markup sessions and public voting are the essence of real reform in this area.

*Section 104: Public announcement of committee votes—page 6*

*Present House Rules* (Clause 27(g) of Rule XI) require each committee to keep a record of all committee action including votes on which a record vote is demanded. There is no requirement that such votes be available to the public and they generally are not.

*The Committee Bill* provides that the total number of votes cast for and against reporting a measure by record vote must be announced by the Committee and included in the report on the bill.

*Impact.*—This reform will not make much difference because there is no requirement that the vote of individual members be disclosed. Further, the change applies only to the vote on reporting the bill and not to amendments taken up by the Committee.

*Comment.*—The Committee proposal continues the practice of legislating in secret. Real reform in this area would provide that each Committee member's vote on every amendment and every other matter on which a record vote is taken be available to the public.

The Committee bill provides a different rule for the Senate, drawing on present Senate practice. It requires the results of a roll call on any measure or amendment to be announced in the Committee report or previously by the Committee. The announcement must include a tabulation of how each member present at the meeting voted.

*Section 105: Filing of committee reports*

*Present House Rules* (Clause 27(a)(1) of Rule XI) establish the duty of each committee chairman to report or cause to be reported promptly to the House any measure approved by his committee and to take steps or cause steps to be taken to bring the measure to a vote. The Committee on Rules must file a report within three days.

*The Committee Bill* requires the report to be filed within seven calendar days (excluding days the House is not in session) after there is a written request from a majority of the committee filed with the clerk of the committee. The provision does not apply to a report of the Appropriations Committee or a report of the Rules Committee with respect to rules, joint rules, or the order of business of the House.

*Impact.*—This procedure would have little if any effect on the reporting of bills since most committees now report bills promptly once they have been approved.

*Comment.*—The Appropriations Committee should not be exempted from this provision. The Appropriations Committee Chairman should be required to respond to a majority of his committee just as other chairmen would be required to respond to a majority of their committees.

*Section 106: Proxy voting—page 9*

*Present House Rules* do not make specific provision for proxy voting. They simply re-

quire that a majority of a committee be present to report a bill. Thus committees make their own rules regarding whether to permit general proxies, special proxies, or no proxies at all. For example, general proxies are authorized under the rules of four committees (Government Operations, Education and Labor, District of Columbia, and Post Office & Civil Service); special proxies which may only be used on a designated matter are authorized under the rules of six committees (Interior, Merchant Marine & Fisheries, Agriculture, Banking & Currency, Foreign Affairs, and Armed Services); rules of the Judiciary Committee are silent on the matter of proxies, and the practice in other committees is unknown.

*The Committee Bill* would permit only special proxies limited to "a specific measure or matter and any amendments thereto." The bill prohibits proxy voting altogether unless the committee adopts a written rule specifically authorizing proxy voting and requires that the proxy authorization be in writing, that it designate the person authorized to use it, and that it be limited to a specific issue.

*Impact.*—The provision would prohibit general proxies entirely and would allow voting by special proxy only under certain conditions.

*Comment.*—Some Members feel that prohibiting general proxies and allowing only special proxies will encourage gamesmanship in that proponents of a particular matter could organize surprise attacks on the opposition by showing up in force to vote on that matter when the unsuspecting opposition lacked proxies for their absent colleagues. They also argue that the provision would require Members to prepare numerous separate proxies if several measures were to be taken up at a single meeting of a committee.

*Section 107: Supplemental, minority and additional views—page 11*

*Present House Rules* do not require the printing of supplemental, minority or additional views. However, most committees do print such views as part of their report.

*The Committee Bill* provides that members be given three calendar days to file supplemental, minority or additional views if they give notice of their intention to file such views at the time the measure or matter is approved by the committee. The views must be printed as part of the report which must be in a single volume and state on its cover that the views are included as part of it. The provision would not apply to the Appropriations and Rules Committee.

*Impact.*—The proposal will probably have little effect on making it easier for members to have views printed since the Appropriations Committee which does not permit them is not covered by the provision. In fact, the provision may be more restrictive than present practice. It appears that a member would have to be present when the bill is ordered reported and make known his intention to file views at that time. There is also no provision for a member to be granted an opportunity to read the majority report which will be part of the legislative history, before deciding whether or not to file views.

*Comment.*—If reform is needed in this area, it is most urgently needed with respect to the Appropriations Committee. No supplemental, minority or additional views are printed with its report and members are denied access to the views of knowledgeable members of that committee who dissent from majority point of view.

There is a possibility also that three calendar days (including Saturdays, Sundays, holidays and other days when the House is not in session) is too short a time to allow for the filing of views.

In addition, real reform in this area might require that each committee member be

an opportunity to read the majority report before determining if he wants to have his own views included in the report as well.

*Section 108: Availability of committee reports and printed hearings on measures and matters before floor consideration thereof—page 13*

*Present House Rules* (Clause 6 of Rule XXI) provide that no general appropriation bill may be considered until printed committee hearings and a committee report thereon have been available to the Members of the House for at least three calendar days. There is no provision requiring that reports on other bills be available prior to floor consideration.

*The Committee Bill* provides that no measure or matter can be taken up in the House unless the report of the committee has been available for three calendar days excluding Saturdays, Sundays and holidays. If hearings have been held, the committee is required to make every reasonable effort to have the hearings printed and available for distribution to Members before floor consideration.

*The provision does not apply to the Appropriations and Rules Committees.* It also does not apply to privileged matters under Clause 22 of Rule XI, of the House. These include general Appropriation bills; reports on the right of a Member to his seat; enrolled bills; matters related to printing from the House Administration Committee; matters on expenditure of contingent funds of the House; bills on forfeiture of land grants to railroads and other corporations; bills preventing speculation in public lands; bills for the reservation of public lands for the benefit of actual and bona fide settlers; bills for the admission of new states; bills authorizing the improvement of rivers and harbors; rules, joint rules and orders of business; general pension bills from the Veterans' Affairs Committee; resolutions of the Committee on Standards of Official Conduct recommending action with respect to an individual Member; officer or employee of the House as a result of an investigation by the Committee relating to official conduct; and bills raising revenue.

The provision also does not apply to any measure for the declaration of war or national emergency, or to any executive decision, determination or action which would become effective or continue to be effective in the absence of Congressional action.

*Impact.*—This provision would improve present practices of the House District Committee which often does not have reports on hearings available until the day the bills are taken upon the floor. However, it would not have any effect on the late availability of revenue bills, some public works bills and a wide variety of other measures which are exempt from the provision. With respect to general appropriations bills, reports would still have to be available only three calendar days before floor consideration including weekends and holidays.

*Comment.*—The Committee proposal exempts too many matters from the requirement that reports be available in time for evaluation. In addition, it does nothing to improve the availability of appropriations bills which simply cannot be thoroughly evaluated by most members in the time now provided. A minimum of a week should be allowed before appropriations bills can be considered after the reports are available.

Real reform in this area would also consist of a requirement that all committee reports be automatically sent to each Member's office.

*Section 109: Motions for consideration by the House of measures previously made in order by resolution—page 16*

*Present House Rules* contain no specific provision authorizing the calling on a com-

mittee member to bring a motion for consideration.

*The Committee Bill* permits the Speaker to call on a member of the committee which reported a bill to make a motion for floor consideration if the bill has not been taken up within seven calendar days after a rule has been granted provided that the committee has authorized the member to make the motion.

*Impact.*—This provision will permit the Speaker to call on a member of a committee which has reported the bill to start floor consideration when a rule has been granted and the chairman of the committee which reported the bill has refused to move for floor consideration.

*Section 110: Committee funds—page 16*

*Present House Rules* do not require consolidation of contingency fund requests.

*The Committee Bill* requires the standing committees (except Appropriations) to consolidate requests for committee staffs and expenses to be paid from the contingency fund of the House (rather than from Legislative Branch Appropriation bills) into a single primary expense resolution providing for the payment of expenses of the committee and its subcommittees. The resolution could not be considered in the House until a printed report has been available for one calendar day. The report must specify (1) the total funds sought for all purposes of the committee and subcommittees under the resolution; (2) the total sought for all expenses of the subcommittees; (3) the total sought for each subcommittee and (4) the amount sought for committee expenses attributable to unforeseen needs and circumstances including allocations to subcommittees.

The Committee bill also provides for additional expense resolutions which may be taken up after the committee report has been available for one calendar day. The report must give the total amount requested in the new resolution, detail the purpose for which the funds are needed and state whether they are for the committee or a designated subcommittee, and state why they were not requested in the primary expense resolution.

The Committee bill states that the expenditures by subcommittee are subject to authority and direction of the full committee and that the minority party is entitled to receive fair consideration in appointment of staff pursuant to expense resolutions.

*Impact.*—This provision would make it more difficult for committees to secure funds from the contingency funds of the House. It might also make it more difficult for committee chairman to reorganize subcommittees during the session since subcommittee allocations would be fixed.

*Section 111: Public notice of committee hearings—page 21*

*Present House Rules.* There appears to be no specific provision for public notification of hearings.

*The Committee Bill* requires each House Committee except Rules to make public announcement of the date, place and subject matter of any hearing at least one week in advance for the hearing, unless the committee determines that there is good cause to begin such hearing at an earlier date. If this is the case, the committee would be required to make public announcement of the hearing at the earliest possible date.

*Impact.*—This provision would probably have no impact. Committees generally give notice that they will hold public hearings. If they are not inclined to do so this measure would not require them to because they could always meet the good cause exception.

*Comment.*—The standard provided for permitting a committee to hold a hearing without giving one week's public notice is too vague. If there are to be exceptions to this rule they should be spelled out more specifically.

*Section 112: Open committee hearings—page 23*

*Present House Rules* do not distinguish between meetings and hearings. They provide for open meetings except for marking up bills, voting or where the committee by majority vote orders an Executive session.

*The Committee Bill* provides separately for hearings and meetings (see also Sec. 103). This section would provide for public hearings except where testimony to be taken may relate to a matter of national security or may tend to adversely affect the character or reputation of any other individual, may tend to degrade, defame or incriminate any person, or "for any other urgent reason" should not be open to the public.

*Impact.*—It is unlikely that this provision would curb any tendency toward secret committee hearings since it does not require public disclosure of reason for closing a meeting or establish guidelines for use of the "other urgent reason" exception. Thus the House Appropriations Committee could continue to bar the public from its hearings.

*Comment.*—The second Joint Committee on the Organization of Congress recommended open hearings except where the testimony might bear on national security matters or reflect adversely on the character or reputation of the witness or others. It did not recommend so broad a loophole as "for any other reason should not be open."

*Section 113: Statements of witnesses at committee hearings—page 24*

*Present House Rules* (Clause 27(f) of Rule XI) provide that each committee shall so far as practicable require all witnesses appearing before it to file in advance written statements of their prepared testimony and to limit their oral presentation to a brief summary of their argument. Committee staff is required to prepare digests of such statements for use by committee members.

*The Committee Bill* merely eliminates the requirement that staff prepare digests of testimony where it has been submitted in advance.

*Impact.*—This provision would have little impact. Some committees now secure testimony in advance. The Committee bill doesn't strengthen the requirement to do so.

*Comment.*—The standard incorporated under this provision is so vague that testimony is rarely filed in advance. A stronger provision is needed if this practice is to become more widespread.

*Section 114: Calling of witnesses selected by the minority at committee hearings—page 25*

*Present House Rules* do not require that committees allot time for minority witnesses, but as a practical matter they do so.

*The Committee Bill* entitles the minority members of a committee to call witnesses selected by the minority during at least one day of the hearing if a majority of the minority party members so request.

*Impact.*—This provision would probably have little impact since committees generally appear to permit witnesses recommended by the minority.

*Section 115: Points of order with respect to committee hearing procedures—page 26*

*Present House Procedure* appears to permit a point of order with respect to committee hearing procedure only as to the question of whether a quorum is present to report the bill.

*The Committee Bill* permits a point of order against a measure reported by a committee on grounds that the committee procedures violated the House rules if the member of the committee making the point of order raised it in the committee when the matter was being considered.

*Impact.*—This provision would permit more points of order against consideration of bills on grounds that proper committee procedures were violated.

*Comment.*—There is some concern that this provision might be used by obstructionists to prevent floor consideration of bills on technicalities. Further, the provision invites floor controversy which reaches back into the conduct of committee hearings. However, it can also be argued that such a provision is needed, and might even be expanded, to assure that fair procedures are followed. Also, points of order under this provision could only be raised by members of the committee which reported the bill.

*Section 116: Broadcasting of Committee hearings—page 27*

*Present House Rules* are silent on the question of broadcasting hearings. Speaker Sam Rayburn banned televising and broadcasting of House hearings in 1952, holding that the rules did not permit coverage of hearings by television, radio, tape recording or newsreel. The change did not affect still photographers or press reporters. Although the ban was protested by press representatives, the House went along with the Speaker's ruling and it has stood unchanged since that time.

*The Committee Bill* authorizes broadcasting and televising of public hearings of House committees and public sessions of the House itself. Broadcasting and televising of committee hearings would be permitted only if the committee "by majority vote" so approves and provided that such broadcasting and televising is conducted in accordance with rules set forth in the committee bill pertaining to such coverage. The committee bill sets forth several explicit and highly restrictive rules regarding the coverage of committee hearings by radio and television. For example, live broadcasts must be uninterrupted, witnesses cannot be televised against their will, all television and radio broadcasts shall be under pool arrangements with coverage available to all stations, only two fixed cameras may be used, additional lighting to raise the lighting level to the lowest level "necessary" may be installed at the media's expense, but floodlights, spotlights, etc. may not be used.

Broadcasting and televising sessions of the House would be permitted "under such rules and regulations as the Speaker, after consultation and agreement with the minority leader, may promulgate." Presumably, the Speaker would have sole authority to permit or prevent such coverage since the committee bill appears to be silent on this point.

*Impact.*—Providing authority to broadcast and televise committee and House sessions is a step in the direction of making deliberations of public affairs in the House more visible. However, the proposed rules and conditions for such coverage are far more restrictive than those used in the Senate.

*Comment.*—More exposure of the conduct of public business in the House via the broadcast media would be highly beneficial and would enhance prospects for enactment of legislation more responsive to the nation's needs. Such coverage therefore should be encouraged, not discouraged by setting unreasonable rules and conditions such as those proposed in this bill. Only the most minimal restrictions are placed on coverage by the printed media, and the same principle should be followed in regard to coverage by broadcast media.

*Section 117: Committee meetings during sessions of the Houses of Congress—page 39*

*Present House Rules* (Clause 31 of Rule XI) provide that only the Committees on Government Operations, Rules, Standards of Official Conduct and Internal Security may meet while the House is in session without special leave.

*The Committee Bill* would permit committees to sit while the House is in session without special leave except when bills are being read for amendment under the five-minute rule. However, the prohibition against meeting, without special leave, during the amend-

ment process does not apply to the Appropriations Committee and the four committees covered by the present exception. These committees could continue to meet at any time.

*Impact.*—This provision adds the Appropriations Committee to the list of select committees which may meet at any time while the House is in session and permits other committees to meet part of the time while the House is in session.

*Comment.*—Why not prohibit all committees from meeting during the amendment process except in cases of emergency?

*Section 118: Legislative review by standing committees—page 40*

*Present House Rules* (Clause 28 of Rule XI) require each standing committee to exercise watchfulness of the execution by the administrative agencies concerned of any laws the subject matter of which is under the jurisdiction of the committee. The committees are required to study all pertinent reports and data submitted to the House by the agencies in the Executive branch.

*The Committee Bill* requires each standing committee to review and study on a continuing basis the application, administration and execution of laws within its jurisdiction. It also requires each standing committee to submit to the House a yearly report on its review activities for the previous year. The Committees on Appropriations, House Administration, Rules and Standards of Official Conduct are exempt from the requirement.

*Impact.*—The Committee provision would require annual reports on committee oversight activities. It is unclear why such reports are necessary.

*Comment.*—Legislative oversight activity will not be increased by the requirement of a report which will drain staff time, but by the increase of staff responsible for this activity. The report requirement may take staff time away from working on new legislation.

*Section 119: Conference reports—page 42*

*Present House Rules* (Clause 2 of Rule XXVIII) require that a detailed statement sufficiently explicit to inform the House of the effect of amendments or propositions adopted by the conferees accompany conference reports. The rules do not specifically provide for the allocation of time provided for debate.

*The Committee Bill* requires that each conference report be printed as a report of the House. It would be required to include an explanatory statement prepared jointly by the conferees from both chambers and would have to be as detailed as that required under present House rules.

The Committee bill also provides that the time for debate must be equally divided between the majority and minority parties.

*Impact.*—The only significant change which would result from this provision is the requirement that time be equally divided between the organizational majority and minority. Conference reports now contain a statement of the House conferees. It is not clear why a joint statement would be an improvement.

*Comment.*—In order to assure that the real minority is heard, time should be divided between opponents and proponents of the report, not between the two parties in Congress. If time is not so allocated, some provision should be made to guarantee that those in opposition to the bill receive a fair share of the time.

*Section 120: Clarification of certain provisions and elimination of obsolete language in certain House rules—page 44*

This section provides that rules of the House apply to subcommittees; that committees may adopt additional rules not inconsistent with House rules; and, that com-

mittee rules apply to their subcommittees. It also strikes language in House rules referring to delegates from Hawaii and Alaska.

TITLE II—FISCAL CONTROLS

*Section 201: Budgetary and fiscal data processing system—page 48*

*Present Situation.*—Such a system does not exist at present.

*The Committee Bill* directs the Secretary of the Treasury and the Director of the Budget Bureau in cooperation with the Comptroller General to develop, establish and maintain, insofar as practicable, for use by the federal agencies, a standardized information and data processing system for budgetary and fiscal data.

*Impact.*—A data processing system could greatly increase the ability of Members of Congress to obtain information on the budget and the economy.

*Comment.*—While data processing can make more information available, it can also create problems for social programs the benefits of which are not as easily quantified as hardware programs.

*Section 202: Budget standard classifications—page 49*

This section directs the Secretary of the Treasury and the Director of the Budget Bureau in cooperation with the Comptroller General to develop, establish and maintain standard classifications of programs, activities, receipts and expenditures of federal agencies to 1) meet the needs of the various branches of government, and 2) facilitate the data processing system provided under Sec. 201 through the utilization of modern automatic data processing techniques.

*Section 203: Availability to Congress of Budgetary, fiscal, and related data—page 50*

*Present Situation.*—At present Congress must obtain most of its information directly from the various departments and agencies.

*The Committee Bill* would require the Secretary of the Treasury and the Director of the Bureau of the Budget to provide information to Congress on the location and nature of data available in the various federal agencies. On request of any committee, the Secretary and Director would be required to furnish information to the committee on the location and nature of the data and prepare for the committee summary tables of the data to the extent feasible.

*Impact.*—The procedure outlined in the Committee bill could make the data available more easily if it is already centrally gathered. Otherwise, this procedure may take longer since the Treasury and Budget Bureau would have to collect the information first.

*Comment.*—If there is to be established an efficient system for compiling data and providing it to committees, the same information should be available to individual Congressmen. In addition, there might be made available to all Members and the public at least a list of the types of information compiled.

*Section 204: Assistance to Congress by the GAO—page 50*

*Present Law.*—While many cost benefit studies are conducted on federal programs, they are not specifically required under present laws.

*The Committee Bill* requires the Comptroller General to review and analyze the results of government programs and activities carried on under existing law, including the making of cost benefit studies, on his own initiative or when ordered by either House or requested by any committee having jurisdiction over the program or activity.

The bill provides that GAO shall maintain employees expert in cost benefit analysis of government programs for assignment on a temporary basis to help committees analyze cost benefit studies furnished by federal agencies and to conduct cost benefit studies.

**Impact.**—This proposal would undoubtedly increase the number of cost benefit studies of government programs and proposed new programs. However, these studies may make it even more difficult to pass legislation for new programs in the areas of welfare, manpower, and other social programs because the value of such programs is not easily measured in cost benefit terms.

**Comment.**—In the Legislative Reorganization Act of 1946, GAO was given authority to make "expenditure analyses." Congress has never appropriated funds for this purpose. Appropriations committee has opposed such funds. They give rise to the possibility that the GAO may become involved in policy and political problems.

**Section 205: Power and duties of Comptroller General in connection with budgetary, fiscal and related matters—page 51**

This provision authorizes the Comptroller General to establish in the GAO any offices or divisions he considers necessary to carry out the functions and duties imposed on him by the Committee bill. It also requires him to include in his annual report to Congress information on the performance of the functions and duties.

**Section 206: Preservation of existing authorities and duties under budget and accounting and other statutes—page 52**

This provision preserves the authority and responsibilities of the Secretary of the Treasury, Budget Director and Comptroller General under present statutes.

**Section 207: Definition—page 52**

This section defines "Federal agency" as any department, agency, wholly owned government corporation, establishment or instrumentality of the government of the United States or the District of Columbia.

**Section 221: Supplemental budget information—page 53**

**Present Law** (Sec. 201(a) of the Budget and Accounting Act of 1921 as amended) requires the President to transmit to Congress during the first 15 days of each regular session the Budget, including his budget message, summary data and text and supporting detail. The present legislation gives the President authority to set forth a variety of different types of information "in such form and detail as the President may determine." It does not set any particular standards with respect to disclosure of specific information on new or extended programs.

**The Committee Bill** (Subsection a) requires the annual budget to include specific data with respect to each proposal for new legislation or legislation which would expand any present function. This additional data would include a tabulation showing 1) the amount proposed in the budget for appropriation and expenditure in the ensuing fiscal year as a result of the proposal, and 2) the estimated appropriation required in the four succeeding fiscal years during which the proposal would be in effect.

Subsection b of the Committee bill eliminates a series of sections in the Budget and Accounting Act dealing with accrual accounting. It also requires the Secretary of the Treasury and the Director of the Budget Bureau to jointly transmit to Congress on or before June 1, of each year beginning in 1970, a supplemental summary of the budget for the ensuing fiscal year. The supplemental summary would reflect 1) all substantial alterations in our reappraisals of estimates of expenditures and receipts and 2) all substantial obligations imposed on the budget after its transmission to Congress. It would also include other information on expenditures and receipts and the condition of the Treasury.

The Committee bill also requires an additional document from the President (by June 1 of each year beginning in 1970) which would include summaries of estimated

expenditures for the first four years following the next fiscal year for authorized or mandatory programs and summaries of estimated expenditures in the fiscal years following the next year of balances carried over to those years.

**Impact.**—This proposal would have the effect of requiring at some point during each year a projection of the estimated expenditures for each federal program over a five year period. It is difficult to access how much of this information would be hard data and how much would be purely speculative and of little value since it would probably be changed once or twice a year over the five-year period involved.

The supplementary budget data might be particularly useful however if the provision of the bill changing the fiscal year to coincide with the calendar year is adopted since the original budget submissions would deal with programs a full year ahead.

**Section 231: Assistance by General Accounting Office to congressional committees in connection with proposed legislation and committee review of Federal programs and activities—page 56**

**Present Law** provides that the Comptroller General may be called upon to testify before congressional committees to provide information that might be of assistance and to testify on the reports which the Office has submitted to the Congress.

**The Committee Bill** requires the Comptroller General, upon request, to provide any committee or joint committee or their staff with any GAO report which would assist the committee in connection with the consideration of new legislation, including appropriations or its review of any program or activity of a federal agency within its jurisdiction.

**Impact.**—Unless the Comptroller General has been refusing to testify before congressional committees with respect to GAO reports, and no such instance has come to light, this provision will have little impact.

**Section 232: Furnishing all GAO reports to appropriations and Government operations committees—page 56**

**Present Law** provides that GAO, at the request of a committee, shall furnish reports on bills under consideration by that committee. GAO also prepares reports on its own initiative.

**The Committee Bill** requires that all GAO reports to Congress also be provided to the Appropriations and Government Operations Committees and any other committee which might have an interest in the subject matter. GAO would be required to prepare bill reports on request.

**Impact.**—The Appropriations and Government Operations Committees of the House and Senate would automatically receive all GAO reports on bills introduced in the Congress. Under present practice, these reports are already prepared at the request of the committees.

**Section 233: Furnishing GAO reports to congressional committees—page 57**

**Present Law** provides that GAO, at the request of a committee, shall furnish special reports on bills under consideration by that committee. These reports are released to other committees only with permission of the originating committee.

**The Committee Bill** requires the Comptroller General to provide any GAO report requested by any House or Senate committee or joint committee.

**Impact.**—Under this provision a report prepared for one committee would be available to any other committee, even if the originating committee opposed release of the report.

**Section 234: Furnishing committees and Members of Congress with monthly and annual lists of GAO reports—page 57**

**Present Law** does not require that such lists be furnished to Members of Congress.

**The Committee Bill** requires the Comptroller General to prepare monthly and cumulative annual lists of all GAO reports and provide all Congressional committees and Members of Congress with copies of such lists.

**Impact.**—Such lists would provide Members and committees with a useful index of GAO reports.

**Section 241: Rulemaking power of the House and Senate—page 59**

This section acknowledges that the House may change its rules at any time.

**Section 242: Hearings on the budget by Committees on Appropriations of Senate and House—page 59**

**Present Law** (Sec. 138 of the Legislative Reorganization Act of 1946) requires the formulation of a legislative budget at the beginning of each session of Congress by action of a joint committee composed of the members of the Ways and Means Committee, Senate Finance Committee and both appropriations Committees. The report must contain a maximum amount to be appropriated for expenditure for the fiscal year and include an amount for deficiencies. If receipts will exceed expenditures, it must contain a recommendation for reduction of the public debt. The report on the legislative budget must be accompanied by a concurrent resolution adopting the budget. If expenditures will exceed receipts, specific language is provided for a section raising the public debt.

**The Committee Bill** repeals the above provisions. Instead, it requires the House and Senate Appropriations Committees to hold separate or joint hearings on "the budget as a whole" within 30 days after transmittal of the budget to Congress. The hearings are to have particular reference to 1) the basic recommendations and budgetary policies of the President in the presentation of the budget and 2) the fiscal, financial and economic assumptions used as bases in arriving at total estimated expenditures and receipts.

The Committees would be required to hear testimony from the Secretary of the Treasury, Director of the Bureau of the Budget and the Chairman of the Council of Economic Advisors. Other witnesses could be called.

The hearings would be open to the public except when the committee determines that the hearings may relate to a matter of national security. However, public notice would not have to be given. A transcript of the hearings would be available to every Member of Congress.

**Impact.**—This provision would eliminate the requirement of a legislative budget which critics have held is unworkable because the committee charged with its preparation is too large. The provisions do not require any action on the budget as a whole except the holdings of the hearings.

**Section 243: Budget review by Committees on Appropriations of Senate and House—page 62**

**Present House Rules** do not require the Appropriations Committee to single out for special review programs under the control of two government agencies. This has generally been considered under the jurisdiction of the Government Operations Committee.

**The Committee Bill** adds a new provision to the House rules directing the Appropriations Committee to review the budget transmittal each year "for the specific purpose of selective examination and review of those programs for which estimated expenditures or proposed appropriations would be made by, or be under the control of, two or more government agencies."

**Impact.**—This proposal would discourage executive agency efforts at joint funding of social programs by subjecting such jointly

funded projects to the risk that their personnel will become tied up with time-consuming work in connection with special investigations.

*Comments.*—This proposal was a recommendation in the 1966 report of the Joint Committee on the Organization of Congress. It noted with alarm the proliferation of multi-agency program areas that cut across jurisdictional lines of individual appropriations bills. As an example, the report states that more than 40 separate agencies and departments are conducting programs in the field of education.

*Section 252: Cost estimates in reports of Senate and House committees accompanying certain legislative measures—page 66*

*Present House Rules* do not require cost estimates as part of the report of the committee.

*The Committee Bill* would require the report accompanying each public bill or joint resolution to contain an estimate by the committee of the cost to be incurred in carrying out the bill or resolution in the fiscal year in which the bill is reported and in each of the five subsequent fiscal years if the authorization extends to them. In cases of bills affecting revenues, estimates would only be required for a one year period.

The report would also have to include any estimates of cost made by a government agency and submitted to the committee.

*If the committee report does not contain such cost estimates, it would not be in order to consider the bill or joint resolution in the House.*

These provisions do not apply to the Committees on Appropriations, Rules, House Administration, or Standards of Official Conduct. A special provision makes House Members of the Joint Committee on Atomic Energy a committee of the House for purposes of meeting the requirements of this section.

*Impact.*—At present, many committees include in their reports Executive Department cost estimates. These are often not available for social programs, however. The Committee bill would require each committee to provide its own cost estimates and to compare them with Executive Branch estimates where possible. Speculative five-year cost estimates of this type would provide ready ammunition for opponents of new social programs.

*Section 253: Appropriations on an annual basis—page 69*

*Present House Rules* do not require that appropriations be placed on an annual basis.

*The Committee Bill* requires the committees to endeavor to insure that all continuing programs and activities of the Federal and District governments are designed and carried on so that appropriations can be made for them annually.

The bill also requires the committees to review continuing programs for which appropriations are not made annually to see if the program could be modified to be placed on an annual appropriation basis.

*Impact.*—This provision could have serious effects on such programs as riot and flood insurance and other programs of the Department of Housing. For example, the Government National Mortgage Association which buys below market rate mortgages relies heavily on revolving loan authority.

This proposal also could result in the setting aside of large sums of money for specific programs (such as flood insurance) where it is not possible to tell in advance if the funds will be needed. It would, therefore, make less money available to other programs. In addition, it would be disruptive of program continuity since annual program funds could not be counted on and planned for in advance.

*Section 254: Review by committees of grant-in-aid programs—page 71*

*Present House Rules* contain no specific requirement for periodic review of grant-in-aid programs.

*The Committee Bill* would require all standing House committees (except House Administration, Rules, and Standards of Official Conduct) periodically to conduct a complete review of grant-in-aid programs under their jurisdiction. The requirement would apply to the Appropriations Committee only with respect to the multiagency programs.

*Impact.*—The provision does not set any criteria for the review and does not require any specific recommendations to stem from the review. Therefore, it could have no impact. Also, it is unclear how often a "periodic" review must be undertaken. When taken with the preceding provision, however, this requirement could lead to further efforts to put programs on an annual appropriations basis.

*Section 261: Change in fiscal year—page 72*

At present, the fiscal year for federal programs begins on July 1 of one year and ends on June 30 of the next.

*The Committee Bill* would change the fiscal year for all departments, agencies and instrumentalities of the Federal and District governments to coincide with the calendar year effective with the fourth calendar year after enactment.

*Impact.*—This change could improve the operation of government by permitting the Congress more time to pass appropriation bills before the start of the fiscal year and thereby eliminate the need for the present reliance on continuing appropriations which are disruptive of government program expansion.

*Section 262: Implementation of fiscal year change—page 72*

The Committee Bill requires the Director of the Bureau of the Budget to provide by regulation, order or otherwise for the transition to the new fiscal year system. He would submit to Congress a draft or drafts of any additional legislation necessary to make the change.

#### TITLE III—SOURCES OF INFORMATION

*Section 301: Increase in professional staffs of Senate standing committees*

This section applies to the Senate only.

*Section 302: Increase in professional staffs of House standing committees; House minority professional and clerical staffs; fair treatment for House minority staffs*

*Present House Rules* (Clause 29 of Rule XI) authorize each standing committee other than Appropriations to appoint by majority vote up to four professional staff members in addition to clerical staff. Professional staff must be appointed on a permanent basis without regard to political affiliation. The staff members are assigned to the Chairman and ranking minority member as the committee deems advisable.

Services of professional staff may be terminated by majority vote of the committee. Professional staff members may not engage in any work other than committee work and no other duties may be assigned them.

Clerical staff is appointed by majority vote of the committee and may consist of up to six clerks to be attached to the office of the chairman, the ranking minority member and to the professional staff as the committee deems advisable. The clerical staff is required to handle committee correspondence and stenographic work for the committee and for the chairman and ranking minority member on matters related to committee work.

The Appropriations Committee, subject to appropriations, may appoint such staff as it determines to be necessary. It may establish

the qualifications for all positions except that of clerk and minority assistants.

*The Committee Bill* increases to six the number of professional staff that may be hired by each committee other than Appropriations. The bill requires that two professional and one clerical staff members, selected by majority vote of the minority, must be appointed unless a majority of the full committee finds their character or qualifications unacceptable. If a minority candidate is so rejected, the minority may select other persons until an appointment is made.

If the request for a professional or clerical staff member is made by the minority at a time when there are no committee staff vacancies, the committee would be required to appoint the person selected by the minority anyway if that person met the tests of character and qualifications. The person so appointed would then serve as an additional member of the staff and would be paid from the contingent fund until a vacancy on the committee staff occurred. At that time, the person serving the minority would fill the vacancy—even if the vacancy is created by the departure of the chief clerk or majority counsel. If two persons have been appointed and are eligible to fill the vacancy, the minority members would determine which would be appointed to the position.

The Committee bill continues the present requirement that professional staff be hired by a majority of the committee. It extends this protection to clerical staff which are not so provided for under present House rules.

The Committee bill also requires that minority staff appointed either pursuant to a request by minority members or pursuant to House resolution be accorded equitable treatment as to rate of pay, assignment of work and accessibility of committee records.

The Committee bill provides that if two or more professional staff and one or more clerical staff is now assigned to assist the minority and are satisfactory to it, additional minority staff will not be provided.

Additional staff members authorized under the committee bill are in addition to any staff members otherwise authorized prior to January 1, 1971.

*Impact.*—The Committee bill increases the number of professional staff from four to six and requires that at least two professionals and one clerical employee be assigned to the minority. If the minority staff lacks its full entitlement, and even if no staff vacancies exist, the bill requires the appointment of up to three minority staff employees in addition to present staff. Then as vacancies occur, apparently including vacancies created by the departure of key employees such as chief clerk and majority counsel, they shall be filled, in effect, by the employees selected by the minority.

*Section 303: Procurement of temporary or intermittent services of consultants for House and Senate standing committees—page 84*

*Present House Rules* are silent as to the hiring of consultants. However, under present practice, expert witnesses and outside staff may be hired on a limited basis by committees with investigative authority if prior approval is obtained from the House Administration Committee.

*The Committee Bill* authorizes standing committees of the House to select consultants for intermittent or temporary services (not more than one year) to make studies and advise the committee with respect to any matter within its jurisdiction. Prior approval by the House Administration Committee would still be required.

The funds for hiring of consultants would be provided from contingent funds earmarked for consultants in resolutions passed by the House.

The Committee procuring the consultant services would be required to submit to the

Committee on House Administration information about the qualifications of each consultant, including organizations. The information will be retained by that committee and made available for public inspection on request.

Consultant services could be procured by contract as independent contractors or in the case of individuals by employment at daily rates not in excess of the per diem equivalent of the highest rate of compensation which may be paid to a regular committee member. The contracts are not subject to provisions of law requiring advertising.

**Impact.**—Although there are procedures at present for securing the assistance of some outside assistance, there have been complaints that these procedures are time-consuming and cumbersome. This provision would probably not change the current situation.

**Section 304: Specialized training for professional staffs of Senate and House standing committees**

**Present House Rules** do not provide for specialized training of Committee staffs.

**The Committee Bill** authorizes standing committees to provide assistance for members of its professional staff in obtaining specialized training whenever the committee decides that such training will aid the committee in the discharge of its responsibilities.

The assistance to the staff member could be in the form of continuance of pay during training or grants of funds to pay tuition, fees or other expenses of training, or both, subject to approval of the House Administration Committee.

Committees providing assistance of this type would be required to obtain assurance from the employee with respect to continued employment to assure that the committee will receive the benefits of the training.

Funds for these purposes would be limited to available contingent funds earmarked for this purpose by resolutions of the House. House Administration Committee approval would be necessary before the assistance could be provided.

**Impact.**—This proposal would make it easier for professional staff people to obtain training of value to the committee.

**Section 305: Compensation of professional and clerical staffs of Senate standing committees**

This section applies to the Senate only.

**Section 321: Congressional research service—page 89**

**Present Law.**—The Legislative Reference Service since 1946 has been devoted exclusively to research and reference support for the Congress. Both members and committees use the service for background reports on legislative problems; analytical studies of public policy and legal issues; pro and con arguments; assistance with committee hearings and reports; comparison of bills; legislative histories; surveys of court decisions; tabulations of statistics; speech drafting; newspaper searches; translations; preparation of charts, graphs and maps; historical data; personal consultations with specialists; and assistance in answering constituent inquiries.

**The Committee Bill** redesignates the Legislative Reference Service as the Congressional Research Service and assigns new duties and powers to it. Among its new responsibilities are the following:

(1) Provide, on request, advice and assistance to any committee in the analysis, appraisal and evaluation of legislative proposals to help the committee determine the advisability of enactment, evaluate alternatives, and assist in providing a basis for evaluation;

(2) Maintain continuous liaison with the committees;

(3) Make available to each committee a list of programs and activities scheduled to

terminate during each Congress which are in the Committee's jurisdiction;

(4) Provide committees with lists of subjects and policy areas suitable for in-depth analysis; and,

(5) Prepare, on request, legislative histories of measures on which committee hearings are to be held.

New authority provided for carrying out these responsibilities includes authorization of the hiring of specialists as well as temporary assistance from experts, consultants and research organizations. Supergrade positions would be allotted, subject to approval of the newly formed Joint Committee on the Library and Congressional Research, without regard to statutory quotas.

In addition, the Service would be authorized to require government agencies to produce data for use in oversight and program analysis.

**Impact.**—This provision would increase LRS staff and responsibilities, especially its obligations to Congressional committees.

**Section 322: Repeal of obsolete law relating to the abolished office of Coordinator of Information—page 99**

**Present Situation.**—The Legislative Branch Appropriation Act of 1948 authorized an Office of Coordinator of Information. The office has been discontinued.

**The Committee Bill** repeals the authorization.

**Impact.**—This merely provides Congressional approval to an earlier action discontinuing this office.

**Section 331: Joint committee on the library and congressional research—page 100**

**Present Situation.**—The Joint Committee on the Library, composed of 10 members and controlled 6-4 by the majority party, supervises the Library of Congress and the Legislative Reference Service.

**The Committee Bill** would reconstitute the committee as a Joint Committee on the Library and Congressional Research, and would require it to file an annual report on the activities of the Congressional Research Service and related matters. The reconstituted committee would have 12 members equally divided between the two parties—two from the House Administration Committee, two from Senate Rules, four other House members, and four other Senate members. The chairmanship would alternate between the House and Senate each Congress, and the vice chairman would have to be a member of the minority.

**Impact.**—The main impact of the committee proposal would appear to be to give the minority the vice chairman post and two additional seats, thereby taking control of the committee away from the majority. Giving the joint committee a new name and adding two more members would appear to have little effect on its review responsibilities.

**Section 332: Related changes in existing law**

This section makes conforming changes only.

**Section 341: Periodic compilation of parliamentary precedents of the House of Representatives—page 106**

**Present Law** (79 Stat. 270; P.L. 89-90) requires the Parliamentarian of the House to compile and prepare for printing an updated version of the parliamentary precedents of the House. There is no present requirement for any periodic compilation, nor any deadline for finishing the current compilation.

**The Committee Bill** provides that after the publication of the current compilation the Parliamentarian is required to update and publish the complete House precedents every five years. The Parliamentarian is also given authority to set the page size and format for the book and to hire personnel for assistance.

**Impact.**—The only previous publications of House precedents were in 1907 (Hinds) and

in 1936 (Cannon). Requiring that the precedents be updated every five years is fine, but the key is to complete the current updating project which was authorized in 1965. At that time, the Parliamentarian said it would take 10 years to bring the precedents up to date from 1936, and his office currently holds little hope of beating that estimate, citing the problem of not having an extended recess in which the Parliamentarian could edit the copy prepared by his research staff. Current appropriations for this project are \$13,000 per year. The reform bill still leaves the situation without a deadline, thereby allowing the complete precedents to go unpublished for at least five more years, and probably longer.

**Comment.**—Perhaps consideration should be given to the appointment of an assistant Parliamentarian to assume some of the burdens of the Parliamentarian, who might then have time to work on the precedents.

**Section 342: Periodic preparation by the House Parliamentarian of condensed and simplified versions of House precedents—page 107**

**Present Law** does not require publication of a condensed version of the House precedents.

**The Committee Bill** provides that the Parliamentarian of the House prepare a simplified and condensed version of the House precedents along with supplementary explanatory materials at the beginning of each Congress starting with the 92nd Congress. He must provide each Member of the House and the Resident Commissioner of Puerto Rico with a copy of these updated precedents.

**Impact.**—This provision would give each Member an easy-to-refer-to copy of the House precedents which are of "current use and application." However, it would be of limited value without updating and publication of the complete precedents.

**TITLE IV—CONGRESS AS AN INSTITUTION**

**Section 401: Congressional findings and policy—page 108**

**Present House rules** are silent on the need for automatic data processing and information retrieval systems.

**The Committee Bill** states that "it is the sense of Congress that there is an urgent, critical, and continuing need . . . for a modern, effective, and coordinated automatic data processing and information retrieval system" and that "it is therefore the policy of Congress:"

(1) that an automatic data processing and information retrieval system be established,

(2) that a method be established to provide for the continuing development and improvement of such a system, and

(3) that a Joint Committee on Legislative Data Processing be created to supervise the system.

**Impact.**—This provision would provide impetus for establishment of automatic data processing and information retrieval systems. However, there is some question whether it is specific enough to assure that equipment and facilities for a computerized addressing service and electronic voting system be initiated, as proposed by the Clerk of the House in his request to the Legislative Branch Appropriations Subcommittee in June (pp. 367-69 of printed hearings.)

**Section 402: Establishment of Joint Committee on Legislative Data Processing—page 110**

**Present House rules** give the House Administration Committee jurisdiction over such housekeeping matters as data processing.

**The Committee Bill** would create a 12-member bipartisan joint committee, with the president pro tem selecting Senate members and the Speaker selecting House members. It requires an equal number of Republicans and Democrats from each House. The chairman in even-numbered Congresses would be

selected by House members of the Committee and the vice chairman by Senate members. This procedure would be reversed in odd-numbered Congresses. The provision requires that the vice chairman be a member of the minority.

*Impact.*—This provision would create a powerful joint committee appointed by the established leadership in both houses, with membership equally divided between the majority and minority, and with a member of the minority as vice chairman. The provision would thus remove an important jurisdictional area from control of the majority party.

*Section 403: Functions and duties of the joint committee—page 112*

*Present House Rules* leave this area to the House Administration Committee.

*The Committee Bill* would direct the joint committee to put the data processing and information retrieval system into operation. It would provide authority to develop plans and programs, conduct reviews and studies, and set standards and priorities for acquiring, operating and using the equipment and facilities. A notation in the bill (p. 114) says additional provisions relating to staff and to data processing relationships with the executive branch will be added by the committee later.

*Impact.*—The language gives the joint committee unlimited authority to run the automated systems.

*Comment.*—The relationships with the executive branch should be spelled out fully to assure that information provided is complete and available for unrestricted use by individual members.

*Section 421: Abolishment of the Joint Committee on the Disposition of Executive Papers—page 114*

*Present Law* (P.L. 115) provides for a Joint Committee on the Disposition of Executive Papers, composed of one member from each party from each house of Congress.

*The Committee Bill* abolishes this Joint Committee.

*Section 422: Facilitation of disposal of non-essential Government records after abolishment of joint committee—page 115*

*Present Law* (P.L. 115) places authority for disposal of nonessential government records in the hands of a Joint Committee of Congress, abolished by Section 421 (above) of this bill.

*The Committee Bill* gives the GSA Administrator permissive authority to determine that agency papers have insufficient administrative, legal, research, or other value to the Government to warrant their preservation. In such cases he may empower the agency to dispose of such records. At his discretion he may consult with the Committees on Administration of both Houses on disposal of records of particular interest to Congress or the public. He shall also make an annual report to Congress containing such information about disposed-of records as he considers appropriate.

*Impact.*—The bill increases the authority of the GSA Administrator over public records by permitting him to consign records to destruction at his discretion. The bill inferentially reduces the power of Congress over executive records, a power that has never been exercised. The Joint Committee has not met in 25 years, has no supervisory mechanism, and currently operates by providing what amounts to blanket authorization for the GSA Administrator to dispose of papers.

*Section 431: Authority of officers of Congress over congressional employees—page 118*

*Present House Rules* (Clause 836 of Rule II) provide for the appointment of employees by the Clerk, Sergeant-at-Arms, Doorkeeper, Postmaster, and Chaplain, and provide that such employees are to be assigned only to duties for which they are appointed.

*The Committee Bill* provides such officers with authority to prescribe training programs and the authority to promulgate regulations governing performance of duties. It permits such officers to remove employees who fail to satisfactorily complete training, who fail to abide by regulations, or who otherwise fail to perform assigned duties in a satisfactory manner.

*Impact.*—The Committee bill would give officers of the House increased authority over their employees, including those employees appointed upon recommendation of Members of Congress. However, it would seem to be useful by permitting creation of a probationary situation in certain instances.

*Section 441: Congressional adjournment—page 119*

*Present Law* (Sec. 132 of the Legislative Reorganization Act of 1946) provides for *sine die* adjournment the last day of July unless otherwise provided by the Congress or in time of war or national emergency proclaimed by the President.

*The Committee Bill* adds provision for adjournment until "a day subsequent to August 31 of each year which shall be fixed by concurrent resolution adopted by each House."

*Impact.*—The new provision could make the summer recess, first tried in 1969, a more-or-less permanent fixture.

*Section 451: Establishment and operation of the Capitol guide service—page 120*

*Present Law* provides for the United States Capitol Guides, who operate under the direction of the Capitol Police Board, consisting of the Architect and both Sergeants-at-Arms. The guides were established as a result of sharp practices engaged in by *ad hoc* guides during the centennial in 1876. Currently guides receive no salary but divide the proceeds from tour charges (25¢ for adults, 15¢ for high school children in groups).

*The Committee Bill* establishes a Capitol Guide Service and abolishes the United States Capitol Guides. The Service would provide free public tours of the interior of the Capitol by salaried guides. The Service would operate under the direction of a Capitol Guide Board, consisting of the Architect, both Sergeants-at-Arms, and two employees appointed by the Senate and House minority leaders. The Board would appoint guides, prescribe duties, fix pay, and prescribe dress for guides.

*Impact.*—Establishment of a Capitol Guide Service would not change present guide service but would eliminate the charges. The bill provides salaries for the guides and defines them as Congressional employees. The bill also provides for minority representation in supervising operations of the service and appointment of guides.

*Section 452: Civil service retirement, health benefits, and life insurance coverage for employees of the Capitol guide service—page 124*

*The Committee Bill* defines Capitol guides as Congressional employees, thereby making them eligible for civil service retirement, health benefits, and federal life insurance coverage. Guides currently must pay both halves of Social Security to provide for retirement.

*Section 453: Transitional provision relating to the Capitol Guide Service—page 125*

*The Committee Bill* guarantees employment for employees of United States Capitol Guides in the new Capitol Guide Service at no loss of pay or rank. The section also provides for the financial liquidation of United States Capitol Guides under the supervision of the GAO.

*Section 461-476: Payroll administration in the House—page 128*

*Present Law* and *Practice* deals with all payroll, salary and clerk-hire allowance mat-

ters in terms of basic pay rates rather than gross or actual pay.

*The Committee Bill* eliminates the basic pay rate system which is misleading and deals with all payroll, salary and clerk-hire allowance matters in terms of the gross or actual money involved.

*Impact.*—The conversion from the basic-rate system to the gross-rate system would not alter the amount of pay currently received by any member or House employee, except in one instance. The exception involves employees who are on more than one payroll. Under present law, multiple-payroll employees may not receive more than \$2,000 aggregate basic pay. The gross or actual amount received by such employees depends upon the number of payrolls they are on. For example, an employee on two payrolls for \$1,000 basic each would receive \$8,642.88 in actual pay; an employee on four payrolls at \$500 basic each would receive \$11,200 in actual pay; an employee on eight payrolls at \$2340 basic each would receive \$15,752 in actual pay; etc. The committee bill, however, ignores this aspect of the multiple-payroll feature and simply substitutes a limit of \$7,287 in aggregate gross pay for the present \$2,000 limit in aggregate basic pay for multiple payroll employees. If enacted into law, the \$7,287 gross pay limitation for multiple-payroll employees would deprive many members of professional staff assistance they currently receive by joining together to use the multiple-payroll concept to serve their mutual interests.

*Comment.*—The gross pay limitation for multiple-payroll employees should be increased to the limit permitted employees on a single payroll. This would accomplish the same purpose as the present \$2,000 basic pay limitation, namely to assure that employees on more than one payroll do not receive more than employees on a single payroll.

*Section 481: Provisions regarding appointment, service and pay of pages*

At present, House pages are under the supervision of the Doorkeeper of the House. They are paid from the start of each session of Congress until two weeks after adjournment. The pages are high school students at least 16 years old.

*The Committee Bill* requires pages to agree, as a condition of employment, that they will serve for at least two months. It also requires that complete information on the nature of the work and other details including educational opportunities and housing be transmitted to the parents or legal guardian of a page before he is appointed.

The provision also provides that pages would be paid if Congress takes a summer recess of up to 45 days.

*Impact.*—This provision would require that pages agree to work for at least two months and would assure that their parents are apprised of the difficult conditions and educational situation that prevails. It also would not penalize them financially if the House takes a summer recess.

*Section 482: Dormitory building for pages*

At present, there are no dormitory facilities for pages. House pages are supposed to live in housing approved by the Doorkeeper of the House. This housing is scattered throughout the city and there is little supervision.

*The Committee Bill* authorizes construction of a dormitory for pages on a site approved by the Speaker and President pro tempore of the Senate. The plans would be prepared under the direction of "such official under the Congress of the United States as the Speaker and President pro tempore jointly may designate." The site could be acquired by purchase, condemnation or otherwise. The proposal also provides for a Residence Superintendent of Pages and additional personnel.

*Impact.*—Since the provision does not authorize funds, it will probably have no im-

mediate impact except that it will permit planning for the new facility. While the bill does not so specify, it appears clear that the project would ultimately be under the control of the Architect of the Capitol.

#### U.S. POLICY TOWARD RHODESIA: ITS DANGERS AND ITS SHAME

**HON. JOE D. WAGGONER, JR.**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. WAGGONER. Mr. Speaker, I am sorry the House was not in session on November 11, because it was Rhodesian National Day and I would have liked to have made these remarks on that occasion. I am happy, however, to associate myself today with my esteemed colleague, Representative ASHBROOK, in this effort to clarify some of the misinformation which has been lavishly distributed by the liberal elements of the news media and, to a large and regrettable extent, by the former administration.

Representative ASHBROOK has given us an excellent recapitulation of background events which have brought us to this point in time. In addition to his deep study of this situation, he has been to Rhodesia personally and I have every confidence in his judgment and in the accuracy of his observations.

Three and a half years ago, in May of 1966, I wrote a newsletter to my constituents which I titled "Rhodesia: Next World Crisis?" I have just reread a copy of it to see how it has stood the test of time. There is little in it I would change if I were rewriting it today. Here is the exact text of that May 1966 newsletter:

As Great Britain and the United States tighten their stranglehold on the throat of Rhodesia; as the United Nations Security Council "authorizes" Britain to use force if necessary to prevent oil tankers from delivering their cargoes to Rhodesia; as neighboring African nations begin to view these armed sanctions with concern and alarm; as other yet uninvolved nations begin to react to this far-reaching and unprecedented policy of the United Nations; as all these factors come together, the inevitable question rises to the top: are we sowing the seeds of a new world crisis in the remote African nation of Rhodesia?

If a change of direction is not made, I believe we are. I am not an alarmist and at this point in time, I cannot and do not predict the final outcome; no one yet can. But we must acknowledge that the seeds are planted and the policy of the United States, the U.N. and Great Britain will determine in coming years whether our actions will act as the fertilizer, the rain and the sun that will cause these seeds to sprout and turn Rhodesia into another Korea or Vietnam. I believe we are being drawn over deep and dangerous waters toward a precipice of violence.

In recent months, the liberal-radical propaganda mills have ground out millions of words designed to convince the world that a handful of whites in Rhodesia is holding millions of blacks in slavery; denying them every vestige of freedom while exploiting their land and growing fat and rich. The truth, actually, lies at the opposite pole. Let us look at a few of the facts.

Fact: No-one in Rhodesia is barred from

voting because of his race. Fact: More Rhodesian natives attend schools (built and paid for by whites) than in any other African nation except South Africa. Fact: Segregation is forbidden by law. Clubs, stores and all public facilities are open to all races without restriction. Fact: Rhodesia's Constitution guarantees progressive advancement to the same total freedom and independence our Constitution does and steps toward that goal have been steady and uninterrupted.

In the brief half-year since Prime Minister Ian Smith signed Rhodesia's Declaration of Independence from Britain, that small nation has managed to keep its governmental head above water despite the vindictive treatment heaped upon it, principally by Great Britain, the United States and the United Nations. These actions, in my opinion, make a mockery of freedom and democracy.

When, six months ago, Rhodesia declared its independence, the United States joined Britain in imposing sanctions on the new government in an effort to force its collapse. Despite every sanction, the Smith government has lasted and grown stronger.

Our support of these reprisals against Smith is based, whether we admit it or not, on a policy of racism-in-reverse and an effort to appease the extreme left-wing no matter what they want; knowing full well this is the same group responsible for the demonstrations and riots over our policy in Vietnam.

Unquestionably, our policy against Rhodesia originated in London. Equally unquestionable is the fact that it has been sold to the White House and is being shaped and guided by UN Ambassador Arthur Goldberg.

In the eyes of the extreme left-wing, Ian Smith's government is guilty of the unpardonable sin: it is predominantly white. Those who advocate that we tear down the Smith government give no credit to the fact that, three generations ago, a group of resourceful men cut their way through the jungle underbrush of what is now Rhodesia and carved out a civilized oasis by the sheer force of their brains and ability. But now that the white man has led the natives out of savagery, the Socialist government of Britain, with the aid of the United States and the UN is working feverishly to oust Smith and turn the finished product back to the natives. This is a short-cut of building a Socialist bridge from Democracy to Communism.

Last month, the United Nations Security Council authorized Britain to use force if necessary to prevent oil shipments from reaching Rhodesia. This was the first time the UN has ever authorized such use of force. The action was taken on the ridiculous ground that the Smith government was a "threat to the peace" of the world. This is the same principle as jailing the banker because the money in his vaults might tempt a burglar!

At the time this nation and the UN are going all-out to help Britain apply and enforce sanctions against Smith's government, Britain and the UN refuse to aid us in a similar way by applying sanctions against Communist Cuba or even the Vietcong. Ship after ship flying the British flag puts into Communist Vietnam ports loaded with supplies for Ho Chi Minh to use as he slaughters American servicemen.

History and short memory not to the contrary, the United States had its beginning just as Rhodesia did, by declaring its independence from Britain. No closer parallel could be drawn between the birth of two nations than between the U.S. and Rhodesia. Yet, instead of helping Rhodesians obtain their freedom (as we have helped so many who were not capable of governing them-

selves) or at the very least leaving the country alone, we are seeking its destruction. Rhodesia is at its Valley Forge and we are playing the part of the Hessian. If the effort is successful in toppling the Smith government, there is no doubt in my mind but that Portuguese Africa and South Africa will also fall. When they, too, collapse we will have no friend on the continent. We face the very real possibility that this meddling in the internal affairs of a nation, added to the threat that Britain may use force to cut off oil shipments to Rhodesia, may light the flames of another crisis. Already, South Africa and others are stirring restlessly in protest against these intrusions. Although there is now some indication that meaningful talks between Rhodesia and Great Britain may take place, the possibility of a black-and-white war is still a very real one and cannot be dismissed lightly. I share the fear of Ian Smith when he said: "Gradually but inexorably, the shadow of the Hammer and Sickle is enveloping Africa from the North. The lights of freedom and democracy in Africa are being extinguished . . ."

I hope not, but it may be that the participation of this nation with Great Britain and the UN in this attack on Rhodesia may be recorded in history as the Shame of the Sixties and the War of the Seventies.

The situation today, 3½ years later, is much the same: Mr. Ian Smith's government still stands; the U.N. and U.S. sanctions still apply; Britain is still furnishing material to the North Vietnamese which enables them to continue the war in Vietnam.

How does this Government attempt to explain these oppressive, unwarranted sanctions which we impose on Rhodesia? The answer is: through tortured logic, a convenient warping of the facts and a blind refusal to alter a policy which cannot in commonsense be justified.

The State Department says, for instance, that we support the United Nations "in their continuing efforts to restore constitutional authority in Southern Rhodesia." This might be, on the surface, a noble purpose, if you are willing to elide over the fact that there is no authority or precedent in the U.N. Charter and none ever intended which authorizes or permits coercive action to set up or restore "constitutional authority" in any nation. Such an action is clearly outside the purview of article 2 of the U.N. Charter.

When the U.N. assumes this extralegal authority, this Nation certainly has no moral obligation or right to support it. There are at least 14 African member nations in the U.N. today which came to power by military coup or other unconstitutional means. The most recent example is Libya where the "constitutional authority" was overthrown by rebellion. Yet, the rebellion government was recognized by the United States within hours.

Both the U.N. and the United States have remained painfully silent about any responsibility to "restore constitutional authority" in this instance.

The State Department also states that another basis for our support of the boycott and sanctions imposed upon Rhodesia is "our concern for the threat to the peace in Southern Africa." This is so palpably ridiculous as to require no refutation. A comparison between the "threatening" government of Rhodesia

and, say, North Vietnam or Cuba, could only produce laughter from even a casual observer of the world scene. I think former Secretary of State Dean Acheson hit the nail on the head when he described this as reasoning worthy of the Red Queen in "Alice in Wonderland."

He said:

Rhodesia, in doing what the UN has no jurisdiction to forbid, annoys African members to the point where they may transgress against the first commandment of the U.N.:

"All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State" (Chapter 1, article 4).

Since Rhodesia, by doing what it has always done and with which the United Nations cannot constitutionally interfere, incites less law-abiding members to violate their solemn obligation not to use force or the threat of force in their international relations, Rhodesia becomes a threat to the peace and must be coerced.

Mr. Acheson concludes:

If this reasoning leads the reader to ask, "Who's loony now?", don't blame Rhodesia, blame the Security Council (of the UN) and Harold Wilson (Prime Minister of Britain).

Reason must be reduced to the ridiculous for anyone to conclude that Rhodesia is a threat to the peace of any nation or area. If every nation copied Rhodesia and devoted their energies toward peace with the singleminded determination Rhodesians do, there would not only be no war on earth today but nations would be tumbling over each other in a race toward prosperity, national honor, and freedom.

As Representative ASHBROOK can clearly testify, Rhodesia is a nation of conspicuous tranquillity. There is not a hundredth part of the racial tension which has been fomented in the cities of this country, for instance. Rhodesia's police walk about unarmed, while here at home they must go in pairs for self-protection and with police dogs beside them and an arsenal in their patrol cars. Prime Minister Smith drives his own car, and has no bodyguard and has never been the target of an assassin. I wish this Nation could say the same for our Presidents and political leaders.

To charge Rhodesia with being a threat to the peace is a massive fraud.

It is unsupportable for this Nation to continue denying recognition to Rhodesia and participating in these sanctions. We recently denied Prime Minister Smith a visa to enter the United States for the purpose of speaking at the University of Virginia. We had no such reservations about allowing Eldredge Cleaver, a first-water Communist, to come here and openly preach revolution and to advocate the overthrow of our Government. This is a shocking example of the triumph of ideology over actuality.

Much has been said and much credence has been given to the lame and false reason that Rhodesia practices segregation. First of all, as I noted in the newsletter I read from a moment ago, segregation is forbidden by law in Rhodesia. There is no more segregation in public facilities in Rhodesia than there

is in this Chamber of the House of Representatives. Nothing is said, however, in the liberal press or by the UN or by our State Department about the fact that in Liberia, for instance, the constitution requires that all electors be from one specific race or that one of the most repressive racist governments in Africa is Kenya, which we recognize, support with foreign aid, and clasp to our Federal bosom.

Our State Department will also tell you that it sees no Communist threat to Rhodesia, that, quite to the contrary, the presence of the peaceful, mind-our-own-business Rhodesian Government is certain to increase communism in Africa.

Again, this position is a wild, thrashing out searching for some reason—any reason—to support a policy that is unsupportable. The truth is that Rhodesia is the strongest single force in Africa standing against the Communist threat that hangs over that continent like a cloud.

We have to look elsewhere for the truth; to a report published earlier this year by the American-African Affairs Association in which military-journalist Col. Daniel T. Brigham had this to say after an intensive survey of terrorist fronts in Mozambique, Malawi, Rhodesia, and Botswana:

Backstage in this development of a blueprint for conflict are the Soviet and Chinese Communists. However their political and ideological quarrels may affect their actions elsewhere in the world, they are pooling technical, military and economic resources to set the stage for one of the bloodiest wars in history—one which they hope and believe will open the road to Cape Town, from which they can dominate the western gateway to the Indian Ocean. Their latest target date for that war is late 1970. Strategically, Red control of Cape Town would end the threat of Free World naval interference with communist long-range planning for conquest of the Far East, the Persian Gulf, and the African east coast. The critical importance of Cape Town has been amply demonstrated during the prolonged closure of the Suez Canal in the wake of the Israeli-Egyptian Six-Day War.

Military analysts are, of course, aware of the strategic importance of southern Africa. Diplomats in the field have cabled warning reports on the African situation to their home governments, urging a cautious and realistic reappraisal of policy decisions. Free World intelligence is in possession of ample information concerning communist machinations in Africa, including the existence of a joint Red high-command headquarters in Dar-es-Salaam, capital of Tanzania. Judging from actions, however, there are few indications that warning signals have been getting through to top policy-making levels; or, if they have, no one up there seems to be listening. Quite the contrary. Both London and Washington have continued policies of outright hostility to the White-ruled countries of southern Africa, and through careless and injudicious public pronouncements in the United Nations have seemed to endorse the promotion of terrorist war by the Liberation Committee of the O.A.U.

It is my singular hope that the present administration will take steps to correct the inequity of our policy toward Rhodesia. It has gone on far too long and brings neither honor nor credit to us.

I draw encouragement from this por-

tion of President Nixon's inaugural address:

Let all nations know that during this Administration our lines of communication will be open. We seek an open world—open to ideas, open to the exchange of goods and people, a world in which no people, great or small, will live in angry isolation. We cannot expect to make everyone our friend, but we can try to make no-one our enemy.

Let us now open those lines of communication with Rhodesia.

Let us begin here and now to exchange goods and people with Rhodesia.

Finally, there is no need to "make" Rhodesia our friend because, in spite of all our unfairness, Rhodesians are still our friends.

I urge President Nixon to implement the noble words of his inaugural address by calling an end to the sanctions we have imposed on Rhodesia. To perpetuate them is to continue a shame begun by his predecessors who were more interested in ideology than logic; more interested in rhetoric than deeds. The people have come to expect more of his administration and now is the time to prove that this confidence is not misplaced.

#### OVERTIME AND PREMIUM PAY FOR VA NURSES

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. UDALL. Mr. Speaker, historically, registered nurses employed by the Veterans' Administration's Department of Medicine and Surgery have been denied the fringe benefits generally provided for those in non-Federal employment. These benefits include shift differentials for the performance of evening and night work, overtime, holiday, on-call pay, and compensatory time-off provisions. In an effort to remedy this situation, I have today introduced a bill which would provide authority and instruction to the VA to make appropriate payments in these areas.

The enactment of premium-pay provisions is essential if the VA is to be able to recruit and retain the nursing personnel necessary to provide quality patient care. The VA needs premium pay in order to successfully compete for the limited supply of available nursing personnel.

In the last few years, salaries in the private sector have been increasing at a faster pace than those of the VA. Additionally, VA must maintain its competitive position with other Federal agencies. Nurses under the Classification Act who now receive these premium-pay benefits have just received higher classifications because of an upgrading by the U.S. Civil Service Commission, which has considerably narrowed the gap with the VA grade structure.

Until recently, VA paid higher-than-average salaries to compensate for the lack of other benefits. But, recently, salaries paid to nurses in the private sector have been outstripping those paid to VA nurses.

Nurses in VA hospitals work under trying conditions because of a high vacancy rate in the nurse staff as well as many other shortages, both professional and subprofessional, in medical personnel categories. This situation has been aggravated by the recent personnel freezes imposed on the Veterans' Administration by the 1968 Revenue Control Act which has greatly increased the vacancy rate for medical personnel in VA hospitals. The cutback in the nursing staff was very substantially greater than any other category. This situation has resulted in the nurses working well beyond the normal tour of duty. While compensatory time is theoretically earned for this extra work, nurses only rarely are permitted to use it. Unfortunately, this situation has been in existence for many years and since late 1968, the situation has worsened. In order to give the best possible professional care to the patients, the nurse must necessarily have a minimum amount of time to recoup her energy and strength. Morale suffers tremendously when she can never be sure of a respite.

This bill would go a long way to improving the working conditions of a very dedicated group of professionals engaged in a vital area of medical practice. VA nurses have been asking for premium pay for many years. Every year the need becomes more acute.

#### VICE PRESIDENT AGNEW'S REMARKS ON THE NEWS MEDIA

### HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. HUNGATE. Mr. Speaker, the following is the text of the Vice President's remarks on the news media:

[From the Evening Star, Nov. 14, 1969]

#### TEXT OF AGNEW'S ADDRESS ON TV NEWS

Tonight I want to discuss the importance of the television news medium to the American people. No nation depends more on the intelligent judgment of its citizens. No medium has a more profound influence over public opinion. Nowhere in our system are there fewer checks on vast power.

So, nowhere should there be more conscientious responsibility exercised than by the news media. The question is . . . are we demanding enough of our television news presentations? . . . And, are the men of this medium demanding enough of themselves?

Monday night, a week ago, President Nixon delivered the most important address of his administration, one of the most important of our decade. His subject was Vietnam. His hope was to rally the American people to see the conflict through to a lasting and just peace in the Pacific. For thirty-two minutes, he reasoned with a nation that has suffered almost a third of a million casualties in the longest war in its history.

When the President completed his address—an address that he spent weeks in preparing—his words and policies were subjected to instant analysis and querulous criticism. The audience of 70 million Americans—gathered to hear the President of the United States—was inherited by a small band of network commentators and self-appointed analysts, the majority of whom expressed,

in one way or another, their hostility to what he had to say.

It was obvious that their minds were made up in advance. Those who recall the fumbling and groping that followed President Johnson's dramatic disclosure of his intention not to seek re-election have seen these men in a genuine state of non-preparedness. This was not it.

One commentator twice contradicted the President's statement about the exchange of correspondence with Ho Chi Minh. Another challenged the President's abilities as a politician. A third asserted that the President was now "following the Pentagon line." Others, by the expressions on their faces, the tone of their questions, and the sarcasm of their responses, made clear their sharp disapproval.

To guarantee in advance that the President's plea for national unity would be challenged, one network trotted out Averell Harriman for the occasion. Throughout the President's address he waited in the wings. When the President concluded, Mr. Harriman recited perfectly. He attacked the Thieu Government as unrepresentative; he criticized the President's speech for various deficiencies; he twice issued a call to the Senate Foreign Relations Committee to debate Vietnam once again.

He stated his belief that the Viet Cong or North Vietnamese did not really want a military takeover of South Vietnam; he told a little anecdote about a "very, very responsible" fellow he had met in the North Vietnamese delegation.

#### "GRATUITOUS ADVICE"

All in all, Mr. Harriman offered a broad range of gratuitous advice—challenging and contradicting the policies outlined by the President of the United States. Where the President had issued a call for unity, Mr. Harriman was encouraging the country not to listen to him.

A word about Mr. Harriman. For ten months he was America's chief negotiator at the Paris peace talks—a period in which the United States swapped some of the greatest military concessions in the history of warfare for an enemy agreement on the shape of a bargaining table. Like Coleridge's Ancient Mariner, Mr. Harriman seems to be under some heavy compulsion to justify his failures to anyone who will listen. The networks have shown themselves willing to give him all the air time he desires.

Every American has a right to disagree with the President of the United States, and to express publicly that disagreement.

But the President of the United States has a right to communicate directly with the people who elected him, and the people of this country have the right to make up their own minds and form their own opinions about a Presidential address without having the President's words and thoughts characterized through the prejudices of hostile critics before they can even be digested.

When Winston Churchill rallied public opinion to stay the course against Hitler's Germany, he did not have to contend with a gaggle of commentators raising doubts about whether he was reading public opinion right, or whether Britain had the stamina to see the war through. When President Kennedy rallied the nation in the Cuban missile crisis, his address to the people was not chewed over by a round-table of critics who disparaged the course of action he had asked America to follow.

The purpose of my remarks tonight is to focus your attention on this little group of men who not only enjoy a right of instant rebuttal to every Presidential address, but more importantly, wield a free hand in selecting, presenting and interpreting the great issues of our nation.

First, let us define that power. At least 40 million Americans each night, it is estimated, watch the network news. Seven mil-

lion of them view ABC; the remainder being divided between NBC and CBS. According to Harris polls and other studies, for millions of Americans the networks are the sole source of national and world news.

#### WILL ROGERS RECALLED

In Will Rogers' observation what you knew was what you read in the newspaper. Today, for growing millions of Americans, it is what they see and hear on their television sets.

How is this network news determined? A small group of men, numbering perhaps no more than a dozen "anchormen," commentators and executive producers, settle upon the 20 minutes or so of film and commentary that is to reach the public. This selection is made from the 90 to 180 minutes that may be available. Their powers of choice are broad. They decide what 40 to 50 million Americans will learn of today's events in the Nation and the world.

We cannot measure this power and influence by traditional democratic standards for these men can create national issues overnight. They can make or break—by their coverage and commentary—a Moratorium on the war. They can elevate men from local obscurity to national prominence within a week.

They can reward some politicians with national exposure and ignore others. For millions of Americans, the network reporter who covers a continuing issue, like ABM or Civil Rights, becomes in effect, the presiding judge in a national trial by jury.

It must be recognized that the networks have made important contributions to the national knowledge. Through news, documentaries and specials, they have often used their power constructively and creatively to awaken the public conscience to critical problems.

The networks made "hunger" and "black lung" disease national issues overnight. The TV networks have done what no other medium could have done in terms of dramatizing the horrors of war. The networks have tackled our most difficult social problems with a directness and immediacy that is the gift of their medium. They have focused the nation's attention on its environmental abuses . . . on pollution in the Great Lakes and the threatened ecology of the Everglades.

But it was also the networks that elevated Stokely Carmichael and George Lincoln Rockwell from obscurity to national prominence . . . nor is their power confined to the substantive.

A raised eyebrow, an inflection of the voice, a caustic remark dropped in the middle of a broadcast can raise doubts in a million minds about the veracity of a public official or the wisdom of a government policy.

#### FAR-RANGING POWER

One Federal Communications Commissioner considers the power of the networks to equal that of local, state and federal governments combined. Certainly, it represents a concentration of power over American public opinion unknown in history.

What do Americans know of the men who wield this power? Of the men who produce and direct the network news—the nation knows practically nothing. Of the commentators, most Americans know little, other than that they reflect an urbane and assured presence, seemingly well informed on every important matter.

We do know that, to a man, these commentators and producers live and work in the geographical and intellectual confines of Washington, D.C. or New York City—the latter of which James Reston terms the "most unrepresentative community in the entire United States."

Both communities bask in their own provincialism. We can deduce that these men thus read the same newspapers, and draw their political and social views from the same

sources. Worse, they talk constantly to one another, thereby providing artificial reinforcement to their shared viewpoints.

Do they allow their biases to influence the selection and presentation of the news? David Brinkley states, "objectivity is impossible to normal human behavior." Rather, he says, we should strive for "fairness."

Another anchorman on a network news show contends: "You can't expunge all your private convictions just because you sit in a seat like this and a camera starts to stare at you . . . I think your program has to reflect what your basic feelings are. I'll plead guilty to that."

Less than a week before the 1968 election, this same commentator charged that President Nixon's campaign commitments were no more durable than campaign balloons. He claimed that, were it not for fear of a hostile reaction, Richard Nixon would be giving into, and I quote the commentator, "his natural instinct to smash the enemy with a club or go after him with a meat axe."

Had this slander been made by one political candidate about another, it would have been dismissed by most commentators as a partisan assault. But this attack emanated from the privileged sanctuary of a network studio and therefore had the apparent dignity of an objective statement.

The American people would rightly not tolerate this kind of concentration of power in government. Is it not fair and relevant to question its concentration in the hands of a tiny and closed fraternity of privileged men, elected by no one, and enjoying a monopoly sanctioned and licensed by government?

#### A NATIONAL GULF

The views of this fraternity do not represent the views of America. That is why such a great gulf existed between how the nation received the President's address—and how the networks reviewed it.

As with other American institutions, perhaps it is time that the networks were made more responsive to the views of the nation and more responsible to the people they serve.

I am not asking for government censorship or any other kind of censorship. I am asking whether a form of censorship already exists when the news that 40 million Americans receive each night is determined by a handful of men responsible only to their corporate employers and filtered through a handful of commentators who admit to their own set of biases.

The question I am raising here tonight should have been raised by others long ago. They should have been raised by those Americans who have traditionally considered the preservation of freedom of speech and freedom of the press their special provinces of responsibility and concern. They should have been raised by those Americans who share the view of the late Justice Leonard Hand that "right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoritative selection."

Advocates for the networks have claimed a First Amendment right to the same unlimited freedom held by the great newspapers of America.

The situations are not identical. Where the New York Times reaches 800,000 people, NBC reaches twenty times that number with its evening news. Nor can the tremendous impact of seeing television film and hearing commentary be compared with reading the printed page.

A decade ago, before the network news acquired such dominance over public opinion, Walter Lippman spoke to the issue: "There is an essential and radical difference," he stated, "between television and printing . . . the three or four competing television stations control virtually all that can be received over the air by ordinary television sets. But besides the mass circulation dailies,

there are the weeklies, the monthlies, the out-of-town newspapers, the books.

"If a man does not like his newspaper, he can read another from out of town, or wait for a weekly news magazine. It is not ideal. But it is infinitely better than the situation in television. There, if a man does not like what the networks offer him, all he can do is turn them off, and listen to a phonograph."

"Networks," he stated, "which are few in number, have a virtual monopoly of a whole medium of communication." The newspapers of mass circulation have no monopoly of the medium of print.

#### SPECTER OF MONOPOLY

"A virtual monopoly of a whole medium of communication" is not something a democratic people should blithely ignore.

And we are not going to cut off our television sets and listen to the phonograph because the air waves do not belong to the networks; they belong to the people.

As Justice Byron White wrote in his landmark opinion six months ago, "It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount."

It is argued that this power presents no danger in the hands of those who have used it responsibly.

But as to whether or not the networks have abused the power they enjoy, let us call as our first witnesses, former Vice President Humphrey and the City of Chicago.

According to Theodore H. White, television's intercutting of the film from the streets of Chicago with the "current proceedings on the floor of the convention created the most striking and false political picture of 1968—the nomination of a man for the American Presidency by the brutality and violence of merciless police."

If we are to believe a recent report of the House Commerce Committee, then television's presentation of the violence in the streets worked an injustice on the reputation of the Chicago police.

According to the Committee findings, one network in particular presented "a one-sided picture which in large measure exonerates the demonstrators and protesters." Film of provocations of police that was available never saw the light of day, while the film of the police response which the protesters provoked was shown to millions.

#### A SCENE UNDEFINED

Another network showed virtually the same scene of violence—from three separate angles—without making clear it was the same scene.

While the full report is reticent in drawing conclusions, it is not a document to inspire confidence in the fairness of the network news.

Our knowledge of the impact of network news on the national mind is far from complete. But some early returns are available. Again, we have enough information to raise serious questions about its effect on a democratic society.

Several years ago, Fred Friendly, one of the pioneers of network news, wrote that its missing ingredients were "conviction, controversy and a point of view." The networks have compensated with a vengeance.

And in the networks' endless pursuit of controversy, we should ask what is the end value . . . to enlighten or to profit? What is the end result . . . to inform or to confuse? How does the on-going exploration for more action, more excitement, more drama, serve our national search for internal peace and stability?

Gresham's law seems to be operating in the network news.

Bad news drives out good news. The irrational is more controversial than the rational. Concurrence can no longer compete with dissent. One minute of Eldridge Cleaver is worth ten minutes of Roy Wilkins. The labor crisis settled at the negotiating table

is nothing compared to the confrontation that results in a strike—or, better yet, violence along the picket line. Normality has become the nemesis of the evening news.

The upshot of all this controversy is that a narrow and distorted picture of America often emerges from the televised news. A single dramatic piece of the mosaic becomes, in the minds of millions, the whole picture. The American who relies upon television for his news might conclude that the majority of American students are embittered radicals, that the majority of black Americans feel no regard for their country; that violence and lawlessness are the rule, rather than the exception, on the American campus. None of these conclusions is true.

#### NEW STEREOTYPES?

Television may have destroyed the old stereotypes—but has it not created new ones in their place?

What has this passionate pursuit of "controversy" done to the politics of progress through logical compromise, essential to the functioning of a democratic society?

The members of Congress or the Senate who follow their principles and philosophy quietly in a spirit of compromise are unknown to many Americans—while the loudest and most extreme dissenters on every issue are known to every man in the street.

How many marches and demonstrations would we have if the marchers did not know that the ever-faithful TV cameras would be there to record their antics for the next news show?

We have heard demands that senators and congressmen and judges make known all their financial connections—so that the public will know who and what influences their decisions or votes. Strong arguments can be made for that view. But when a single commentator or producer, night after night, determines for millions of people how much of each side of a great issue they are going to see and hear; should he not first disclose his personal views on the issue as well?

In this search for excitement and controversy, has more than equal time gone to that minority of Americans who specialize in attacking the United States, its institutions and its citizens?

Tonight, I have raised questions. I have made no attempt to suggest answers. These answers must come from the media men. They are challenged to turn their critical powers on themselves. They are challenged to direct their energy, talent and conviction toward improving the quality and objectivity of news presentation. They are challenged to structure their own civic ethics to relate their great freedom with their great responsibility.

And the people of America are challenged too . . . challenged to press for responsible news presentations. The people can let the networks know that they want their news straight and objective. The people can register their complaints on bias through mail to the networks and phone calls to local stations.

This is one case where the people must defend themselves . . . where the citizen—not government—must be the reformer . . . where the consumer can be the most effective crusader.

By way of conclusion, let me say that every elected leader in the United States depends on these men of the media. Whether what I have said to you tonight will be heard and seen at all by the nation is not my decision; it is not your decision; it is their decision.

In tomorrow's edition of the Des Moines Register you will be able to read a news story detailing what I said tonight; editorial comment will be reserved for the editorial page, where it belongs. Should not the same wall of separation exist between news and comment on the nation's network?

We would never trust such power over

public opinion in the hands of an elected government—it is time we questioned it in the hands of a small and un-elected elite. The great networks have dominated America's airwaves for decades; the people are entitled to a full accounting of their stewardship.

## WARNING THE WATER GRABBERS

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. WALDIE. Mr. Speaker, the tide of public concern about the protection of their environment is reaching ever higher marks. In my own State, the citizens of southern California are reacting with justifiable concern bordering on anger at continued efforts to pipe more water, thus more people, into an area already short of precious air.

Ecologists, sociologists, and urbanologists agree that the survival of the Los Angeles Basin as a habitable area rests on immediate action to rid the air of harmful pollutants and ease the crush of humanity on an overburdened and literally exhausted land.

Yet, Mr. Speaker, the State of California and the Federal Government are rushing to complete the California water project so that millions of acre-feet of fresh northern California water is shipped to the south to enable a thin veneer of greenery to grace now barren desertlands so that developers and manipulators can sell this land to the inflow of Americans hoping for the benefits of a new gold rush—but soon to be greeted by a pall of brownish, choking air.

And, Mr. Speaker, what of the area of origin of the water sent south by the California water project? Has there been adequate study to determine what will happen to the wondrous San Francisco Bay and Delta area, with the diversion of nearly all its fresh water inflows?

There has not, Mr. Speaker. Yet the State and Federal Governments continue toward an environmental disaster in both the southern and the northern parts of the State.

A number of persons in California are most concerned about this very real threat, Mr. Speaker, and I am proud to be among them.

I was gratified recently when the San Francisco Chronicle editorialized on a recent speech I made on this subject.

I should like to insert that editorial, November 12, 1969, along with an earlier Chronicle editorial, "The Water Grabbers," which shows the massive scope of the efforts to preserve California's natural resources and protect the environment of this great State's people.

The editorials follow:

[From the San Francisco Chronicle,  
Nov. 12, 1969]

#### NEW WARNING TO WATER-GRABBERS

Congressman Jerome Waldie, a vigorous and persistent opponent of the California Water Plan, has raised a new and novel issue in his battle to prevent the planned, vastly increased shipment of Northern California water to the South.

More water, he argues, may, in fact, be bad for Los Angeles.

It is his view, expressed last week end at a Peninsula conservation conference, that further growth in the Los Angeles Basin can only aggravate the air pollution, water pollution, traffic congestion and destruction of the environment that already exist there. He contends that the U.S. Bureau of Reclamation and the State Department of Water Resources should not be in partnership to provide water which can only worsen the deterioration of the Los Angeles area by making further land development and consequent population increases possible.

Waldie noted a recent warning by Secretary of Transportation John Volpe against further Los Angeles freeway construction. Automobile-produced smog, Volpe said, has already produced "the very real and very dangerous possibility that you might not have much of a city in which to do business." The United States Forest Service, Waldie says, has reported that 1.3 million trees on mountains around Los Angeles are dying of suffocation, and the Los Angeles Times has noted that 10,000 residents annually are being advised by physicians to move out of the area because of health hazards.

What Congressman Waldie wants is a detailed study of the environmental and ecological consequences of the California Water Plan for Southern California as well as for the San Francisco Bay Area. He is extremely concerned because it is his Contra Costa county Delta constituency and San Francisco Bay which he believes will be the great losers in the years to come.

Considerable alarm has been expressed over "Peripheral Canal," a proposed \$220 million tube that will deliver up to 80 per cent of the flow of the Sacramento river from a point south of Sacramento and transport it by a huge concrete siphon beneath the polluted San Joaquin river to the Bureau of Reclamation pumping plant at Tracy for shipment to the south. This may result in ecological disaster for the Delta estuary, wrecking the fisheries, ruining the Suisun marshes and their wildlife and water fowl uses, and severely damaging Delta agriculture, conservationists believe. In approving the canal plan in Sacramento last week, the State Senate Water Committee also expressed some reservations about the damage which might occur to the Delta. Contra Costa Republican Senator John Nejedly was alone in his opposition on the committee, flatly opposing the canal proposal.

Congressman Waldie believes that the canal may well be the center piece setting the stage for an environmental and ecological tragedy for both Southern and Northern California. He has raised an urgent and alarming issue which should be of extreme concern to residents of both sections of the State.

#### THE WATER GRABBERS

The growing resentment of Californians against the continuing erosion of their State's magnificent environment has been impressively displayed in the creation of the "Committee of Two Million"—an amalgamation of angling and outdoor associations dedicated to the preservation of the Eel, Trinity and Klamath rivers for posterity as wild, free-flowing rivers.

They will proceed in accord with the State's Protected Waterways Act, adopted by the Legislature last year as a complement to the Federal Act which set up a National Wild and Scenic Rivers System, into which the Middle Fork of the Feather river has already been included.

Joseph Paul, chairman of the committee, describes its founding as "a call for a halt in further piecemeal, uneconomic and unnecessarily destructive water projects" and one that puts the Corps of Engineers, the

Bureau of Reclamation and the California Water Resources Agency "on notice that the Trinity, Eel and Klamath are out of bounds forever."

It is to be hoped that the alliance does not elude the notice of the California Water Resources Association, the Glendale-based front for Southern California water-grabbers who would flood Round Valley by setting up a high dam on the Eel river at Dos Rios. Its president, Doyle Boen, has newly attacked the Sierra Club for its policies against certain water "developments"—policies which, he says would soon bring about "massive food shortages, a halt in industrial expansion, widespread water and power rationing" and "put the wants of a few persons above the needs of the general public."

But Norman B. Livermore, secretary of the State Resources Agency, recently told a Los Angeles meeting that the so-called "small group" of conservationists "cannot be measured by the 81,000 members of the Sierra Club, or the 78,000 members of the Audubon Society, or the 2.25 million members of the National Wildlife Federation, or some 2.8 million California fishermen or hunters. It is measured by millions of the voting public who may not belong to specific conservation or sportsmen groups."

And Governor Reagan stated that a prime objective of his administration is to "alert the people of California to the indisputable fact that the protection of our national environment must rank as one of the Government's major priorities."

The Committee of Two Million has been alerted.

## JETPORT PLANNING MUST CONSIDER ENVIRONMENTAL FACTORS: THE PALMDALE CASE

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. BROWN of California. Mr. Speaker, included in the final version of the Department of Transportation appropriation bill approved yesterday by the House was a significant amendment offered by my colleague from Illinois (Mr. YATES) pertaining to the proposed Everglades jetport.

The Yates amendment requires study of environmental impact aspects of the Everglades airport, and while that amendment deals with some specific public land which is potentially endangered by this huge development, I believe that this same principle should be part of all future jetport plans under consideration.

As an example of environmental problems related to jetports, the proposed Palmdale facility near Los Angeles presents a wide range of these problems.

No one rationally argues against the need for expanded airport facilities for the Los Angeles basin. Los Angeles International ranks among the busiest of our current air transport facilities, and room for expansion at the present site is extremely limited.

After intensive study by State and local officials, Palmdale, in Antelope Valley to the north of Los Angeles, was chosen as the ideal location for a new southern California jetport.

But jetport planners made their initial blueprints so that the enormous new facility would be contiguous to the city of Palmdale itself.

For Palmdale residents, the jetport will bring both good and bad repercussions. Certainly, economic life for the Palmdale-Antelope Valley vicinity should improve, but the serious question arises as to whether environmental dangers resulting from the airport's present site serve to cancel out these other gains.

Many area residents fear that the airport may indeed "kill" Palmdale. They cite both safety and health hazards resulting from construction of the jetport so near Palmdale. One study of potential noise levels concludes that communication in every Palmdale school classroom would be virtually impossible during the period of aircraft flyover—and from the projected traffic volume, that means just about all day, every day.

Jet noise levels would be so high that the entire city would fall into an HEW study category in which "individuals in private residences may complain, perhaps vigorously. Concerted group action is possible. New single-dwelling construction should generally be avoided." I shall insert the entire study at the end of my statement.

Combined with the noise hazard, the Palmdale area would also suffer from massive increases in air pollution caused by jet emissions. Although studies show that pollution from aircraft does not constitute a major problem for whole urban areas, smog levels in areas directly around airports have been significantly high enough to warrant restrictive State action in California and to present the prospect of stringent national standards.

As with the Everglades jetport, I believe that the environmental dangers resulting from the Palmdale facility should send planners back to the research stage to consider relocation of this jetport.

The increase in demand for jet travel over coming years will be massive. New facilities must be built. A larger scope of planning factors must be injected into feasibility studies, and greater consideration must be given to environmental problems caused by these monster jetports.

I have a balanced transportation approach in which large airports are built many miles from existing high-density land-use areas and connected to these areas by means of modern high speed ground rapid transit.

For Palmdale, it is not too late. I believe the environmental and safety dangers of present plant warrant further location studies. Hopefully, the new jetport could be moved further out into the high desert lands of the Antelope Valley and away from existing cities.

Mr. Speaker, I now place in the RECORD a number of materials pertinent to the Palmdale jetport:

[From the Los Angeles Times, Nov. 13, 1969]  
NO ACCORD ACHIEVED ON PALMDALE AIRPORT  
(By Ray Hebert)

Will Los Angeles' proposed intercontinental jet airport at Palmdale become a monster or an economic asset to Antelope Valley?

Angry homeowners and civic boosters, already at odds, couldn't agree Wednesday at a daylong hearing in Palmdale on the huge facility's impact on the Valley's environment.

"We've heard reports that this is a killer airport—that it'll kill the people and the community around it," said Dr. Frank Tysen, a member of the State Environmental Quality Study Council which conducted the hearing. "We've come to see for ourselves."

What the council's noise abatement committee heard was mixed condemnation of the 17,000-acre facility as a hazard to Palmdale's well-being and praise for the boost it will give the valley's economy.

#### 1978 OPERATIONAL DATE

The facility, a satellite for Los Angeles International Airport is expected to be operational in 1978 for up to 150 million passengers a year traveling on jumbo and supersonic jets.

Palmdale city officials and representatives of valley business organizations told the committee that Palmdale, nearby Lancaster and other area communities welcome the airport for its "tremendous economic advantages."

However, Mrs. Arba Bly, a Palmdale city councilwoman, disagreed.

Describing herself as a minority of one on the five-member council, she attacked the proposed airport as a hazard to schools and churches and as a disruptive force for the valley's population.

She said the valley is large enough for the airport to be placed at another location without destroying the quality of life Palmdale, Lancaster and other valley communities now enjoy.

The hearing was the third held this year on various facets of the airport's development.

The Los Angeles Department of Airports, which has defended the Palmdale site as the best remaining location in Southern California, intends to start acquiring property when Federal Aviation Administration approval is received.

#### FEDERAL AVIATION ADMINISTRATION,

Los Angeles, Calif., November 10, 1969.

HON. GEORGE E. BROWN, JR.,  
House of Representatives,  
Washington, D.C.

DEAR MR. BROWN: This will acknowledge your communication of 3 November 1969, enclosing a letter from Councilwoman Arba W. Bly, of Palmdale, California, protesting the proposed establishment of an international airport at Palmdale.

The Federal Aviation Administration (FAA) is conducting an aeronautical study of the proposed airport. As you know, the purpose of the FAA study is primarily to determine the effect of the proposal on the safe and efficient use of airspace by aircraft. The impact on the community, and land use considerations are primarily the responsibility of the developer of the airport and the local government. Resolution of such considerations at the local level is generally preferred to Federal intervention.

For your information, the Palmdale City Council has adopted a resolution urging approval of the proposed airport. The City Planning Commission is also on record as favoring the airport, as is the City of Lancaster City Council.

All the resources of the FAA will be employed in reaching our determination concerning the proposed airport. The views of Councilwoman Bly, together with all other testimony, facts and evidence available to us will be considered in our study.

Although it is certain that our decision will not be popular with every segment of the community, I can assure you that the decision will be based on a complete review of the facts presented and will be, in our judgment, in the best interest of the public.

Sincerely,

ARVIN O. BASNIGHT,  
Director.

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE,  
October 2, 1969.

Mr. JOHN TANNER,  
President, Palmdale Homeowners Association,  
Palmdale, Calif.

DEAR MR. TANNER: As requested, the staff of the National Noise Study has attempted to evaluate possible community noise problems connected with the proposed Palmdale Airport as described in the report "A Preliminary Analysis of the Proposed Palmdale Airport" enclosed in your correspondence to Secretary Finch, Department of Health, Education, and Welfare. At the outset, I should mention that most of our noise experience concerns industrial noise problems and our expertise in dealing with community noise is not as extensive. Nevertheless, we are cognizant of technical information bearing upon aspects of community noise, specifically related to airport and roadway development. In this regard, we have performed the requested evaluation using reference sources published by the Federal Aviation Administration and the Department of Defense. These reference materials were as follows:

1. Bishop, D. E. and R. D. Horonjeff. "Procedures for Developing Noise Exposure Forecast Areas for Aircraft Flight Operations". Technical Report FAA DS-67-10, Aircraft Development Service, Federal Aviation Administration, Department of Transportation, Washington, D.C. 20590 (August, 1967).

2. Bishop, D. E. and R. D. Horonjeff. "1965, 1970, and 1975 Noise Exposure Forecast Areas for Los Angeles International Airport". Technical Report FAA DS-67-13, Aircraft Development Service, Federal Aviation Administration, Department of Transportation, Washington, D.C. 20590 (August, 1967).

3. Anon. "Land Use Planning With Respect to Aircraft Noise". Air Force Manual Number 86-5, Washington, D.C. (October, 1964).

These sources and the Palmdale Airport plan provided a basis for defining three noise exposure forecast (NEF) areas called, A, B, and C. These areas have been plotted on the map which you supplied of the region in question. The NEF areas represent different degrees of noise exposure which may influence the land use and reactions of individuals in communities located in these areas. As such, the NEF areas can aid in land use planning and zoning. A chart describing compatible land use for the different NEF areas is shown in Table I enclosed. The term "yes" means that there should be no adverse effects from aircraft noise and this rating is shown in most of the land use columns in the NEF area "A" which has the lowest noise exposure. NEF areas "E" and "C" have relatively greater amounts of aircraft noise exposure and ratings of "no" appear for certain land uses. "No" indicates that unless extensive noise control precautions are taken, the aircraft noise will likely cause severe interference problems. Your map shows many churches and schools located in NEF area "B" which would be subject to such aircraft noise disturbance. A housing area on the map also falls in the NEF area of "C" where aircraft noise problems may be even more formidable. Thus, certain existing facilities in areas bordering this proposed airport would be unsuited for the noise conditions anticipated. Acoustic shielding of such structures would be required to minimize aircraft noise intrusion problems and insure reasonable indoor privacy and comfort.

The computation of noise exposure forecasts for an airport must take account of many factors including runway utilization for different types of aircraft, the noise characteristics of the different types of aircraft far various flight operations, take-off and landing profiles of different types of aircraft, the number and types of aircraft operations

for day and night periods, adjustments for day versus night periods of operations in view of differences in tolerance, etc. The report of the proposed Palmdale Airport together with the aforementioned references gave some but not all of the required data one needs to make these noise exposure forecasts. Thus, several assumptions had to be made which, if incorrect, could alter the findings of this evaluation. These assumptions were as follows:

1. All of the large 4-engine aircraft that would use this airport would be of a turbofan nature.
2. The smaller jet aircraft that would use this facility would be of the 2- and 3-engine turbo-fan type.
3. The proportion of day and night operations would be the same as projected for 1970 for Los Angeles International Airport as given in Reference 2.

TABLE I.—LAND-USE COMPATIBILITY CHART FOR AIRCRAFT NOISE

| Noise exposure forecast areas | Land-use compatibility |            |              |                           |                              |                       |                                 |                                      |            |
|-------------------------------|------------------------|------------|--------------|---------------------------|------------------------------|-----------------------|---------------------------------|--------------------------------------|------------|
|                               | Residential            | Commercial | Hotel, motel | Offices, public buildings | Schools, hospitals, churches | Theaters, auditoriums | Outdoor amphitheaters, theaters | Outdoor recreational (non-spectator) | Industrial |
| A.....                        | Yes.....               | Yes.....   | Yes.....     | Yes.....                  | (1).....                     | (4).....              | (2).....                        | Yes.....                             | Yes.....   |
| B.....                        | (2).....               | Yes.....   | (1).....     | (1).....                  | No.....                      | No.....               | No.....                         | Yes.....                             | Yes.....   |
| C.....                        | No.....                | (3).....   | No.....      | No.....                   | No.....                      | No.....               | No.....                         | Yes.....                             | (5).....   |

<sup>1</sup> An analysis of building noise reduction requirements should be made and needed noise control features should be included in the building design.  
<sup>2</sup> A detailed noise analysis should be undertaken by qualified personnel for all indoor or outdoor music auditoriums and all outdoor theaters.  
<sup>3</sup> Case history experience indicates that individuals in private residences may complain, perhaps vigorously, concerted group action is possible. New single-dwelling construction should generally be avoided. For apartment construction, footnote 1 applies.  
 Source: Taken from references 1 and 2 noted in the letter.

**IMMEDIATE SCHOOL DESEGREGATION**

**HON. WILLIAM (BILL) CLAY**

OF MISSOURI  
 IN THE HOUSE OF REPRESENTATIVES  
 Wednesday, November 19, 1969

Mr. CLAY, Mr. Speaker, the Supreme Court is to be applauded for the momentous decision which forthrightly eliminated the "all deliberate speed" concept in school desegregation and replaced it with "immediate desegregation."

Intrinsic in the decision was the implication that 15 years has been long enough to move with "all deliberate speed" toward a unitary school system. The dual school systems of the South have lingered on and on, dying so slowly as to give the impression of immortality.

The Supreme Court has struck the "Achilles heel" of the bureaucratic, excuse-seeking, evasive, and dualistic school systems of the South. Many of these school systems were collaborating with the Federal Government under the present administration to obtain delays. The devious means employed included vague descriptions of local problems in school construction, appeals for more time, tokenism, and nebulous desegregation plans.

Many of the school districts named in the direct order to desegregate are the same school districts that have received delays from the present administration. This would seem to say that some elements of the administration were in col-

4. There would be an equal distribution of landings and take-offs on each of the two sets of parallel runways.

5. The location of the flight paths for approach and take-off would be as shown by the broken lines on the enclosed map.

Unfortunately, we could not evaluate the proposed airport plan from the standpoint of air safety since we are not knowledgeable on this subject. However, the consultant's report acknowledges apparent problems in obtaining adequate navigable air space for this new airport. It also notes the possibility of climatic conditions offsetting aircraft performance capability, with associated weight penalties, for some of the aircraft expected to operate from this facility.

Sincerely yours,  
 ALEXANDER COHEN, Ph. D.,  
 Chief, National Noise Study, Bureau of Occupational Safety and Health.

lusion with evaders of the Federal law. At the very least, our Government has been permissive where desegregation was at issue.

It will be significant to note whether this administration will now equivocate in the light of such a direct and specific decision as that handed down by the Court. It is a true test of what "law and order" really means to administration officials.

The attitude of the separatist and pro-segregationist mirrors the narrowest of views. An appalling number of whites in this Nation are woefully ignorant of what "black" is and what it means to be black. These whites have misconceptions that can only be corrected by exposure to black people on an equal basis.

A recent poll taken by Newsweek magazine indicates how few white citizens recognize the problems faced by black people in this society. Forty-four percent of the white citizens questioned feel that blacks stand a better chance to get a good-paying job than whites. Another 31 percent feel black people have the same chance as whites—and only 21 percent feel blacks have less chance for getting a good-paying job.

Newsweek also found that 41 percent of the white citizens questioned think black citizens have a better chance to get a good education for their children than whites. Another 41 percent think the chances are equal between the races—and only 16 percent feel black children have less chance to get a good education.

These answers indicate an appalling lack of knowledge about the plight of

the black man in America. The facts show that black men are the last hired and the first fired; that talk of increasing unemployment to stop inflation means two to three times more black unemployment than white; that white business establishments believe they have integrated when they put a few black workers in visible positions as "window dressing", that black children who desperately need good schools and instruction attend the worst schools and suffer the worst kinds of instruction. Black and white people need to go to school together if only to learn the truth about each other.

When asked, "What should be done about Negro demands for better education," 40 percent of the whites said to improve the schools where Negro children go. Only 25 percent suggested moving toward integration; 24 percent said Negroes should be allowed to run their own schools and a mere 2 percent believed that bussing of children to effect integration would improve education for Negro children. Within the group questioned, there were 3 percent who said the black demands for better education should be ignored for they are not justified.

Many white Americans are out of touch with the life black people lead in America. If and when the Supreme Court edict is carried out, white citizens may learn more about the black citizens of the Nation—whereby an end to the delusions carried by the white society of black people may be realized. This need for understanding among the black and white people of America must be met. The school desegregation decision by the Court is at least a step, one more and hopefully an irreversible step toward increasing our chances for this understanding.

**LOSS OF PRIDE IS WEIGHT WHICH SINKS US**

**HON. G. ELLIOTT HAGAN**

OF GEORGIA  
 IN THE HOUSE OF REPRESENTATIVES  
 Wednesday, November 19, 1969

Mr. HAGAN, Mr. Speaker, Eddie Barker, a Southeast regionally syndicated columnist, has expressed a still further side of the current controversy over the moratorium demonstration. I feel his views as they appeared in the Savannah, Ga., Evening Press are thought provoking and certainly deserve the attention of my colleagues. His column follows:

**LOSS OF PRIDE IS WEIGHT WHICH SINKS US**  
 (By Eddie Barker)

Moratorium demonstrators, in denouncing Vietnam involvement, point up cost as too heavy a load for America to carry.

In the next breath, after an about-face, the cry is that load is light when compared to the burden of death.

They then pause on a day in October to read from lists the names of those who have died in Vietnam.

I have a list, too.  
 Engraved upon my heart, on my mind, and in my memories.

I remember a boy out of the hills of Arkansas, a guitar picker, who somehow felt a premonition of death and refused to play on the night before he flew out on a bombing raid, never to return.

I recall another, his legs gone from a burst of flack, asking for a Camel cigarette with his last words.

"If they use it as a commercial," he smiled, "take the money and have the drinks on me."

And there was a pilot (from Florida) whose lungs were gone from cancer (or tuberculosis) that entered a plea with surgeons to let him go back to the Pacific and die in a plane, not in a bed. They did. And he did.

There was a young sailor, his face half gone, who survived fire on a carrier's decks but could not stand pity in the eyes of a girl and drove a car over the bluffs and out of this world.

There was the boy from Iowa who wanted only to go home to raise corn-fed hogs and children but death found him before he could raise even a little hell.

But the hardest hurt of all was when I went to the top of San Francisco's Mark Hopkins Hotel and drank alone the bottle a friend and I had stored to drink together—when he got back . . . if he got back.

These are the lists from which I read. No better men, nor worse, than those we misname boys now and ship to Vietnam.

Those I knew are a long time gone but their deaths leave a loneliness yet. They went to do what they had to do and, I believe, would do it all again even if they knew they were to die in the doing.

No, cost of the war—money cost—should not be counted man's heaviest burden. Nor death of America's young men. These loads we must carry. And will.

But loss of pride is the weight which will sink us, carrying us straight to the bottom of the twin seas of fear and faithlessness.

#### HAYWARD LOOKS TO FUTURE

### HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. MILLER of California. Mr. Speaker, TV station KGO-TV is one of the most prestigious stations in the San Francisco Bay area. Its vice president and general manager, David M. Sacks, is an outstanding leader and contributor in the communications industry in this great economic area. He recently delivered an editorial entitled "Hayward Looks to the Future" which I include in these remarks.

Not all of the city of Hayward is in my district, but a good portion of it is. The city of San Leandro, referred to in this editorial, is entirely within the Eighth Congressional District.

Southern Alameda County, in which these two cities are located, is one of the most progressive sections in our rapidly growing State.

The editorial referred to, follows:

#### HAYWARD LOOKS TO FUTURE

The saga of once-tiny Hayward in southern Alameda County is a story from which all Bay communities could take a lesson. Little more than a village 25 years ago, Hayward now approaches 100,000 population, but more importantly, it is preparing for the future. It now boasts the tallest structure in the county, outside of Oakland, and it is laying plans for a huge industrial park and revitalized downtown business area. Hayward

stands out because it is one of the few communities which recognized the great growth potential of the Bay Area. Perhaps, taking a leaf from neighboring San Leandro's successful industrial story, Hayward is even now preparing for the 1980s and 1990s. Channel 7 commends the city for its forward look. And we urge other Bay communities to look to that southern Alameda metropolis for advice and action.

#### MEMORIAL GARDEN DEDICATED AT TEXAS A. & M. UNIVERSITY

### HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. TEAGUE of Texas. Mr. Speaker, we have all heard a great deal about "student power" in our colleges these days. Usually what we have heard has caused in us a certain degree of distaste, revulsion, anger, and even disbelief. Most of the cases of "student power" have been purely destructive in character, a violent thumbing of the nose at the authority and the standards of their elders.

However, at my own university, Texas A. & M. there has recently been an altogether different style of "student power." It has been totally constructive in nature, and it has caused in those who are aware of it feelings of pride, approbation and hope.

Since the Texas A. & M. brand of "student power" has been peaceful and constructive, it has not received much attention from the press and the other news media. Sobriety and responsibility, unfortunately, are not the materials of which headlines are made.

The program began when a group of students, led by Landis S. Cervenka, class of 1969, became aware of the fact that, although more than 300 graduates of Texas A. & M. had been killed in the service of their Nation since the end of World War II, there was no memorial to them on the campus. There are handsome and reverent memorials to those who fell in both World Wars, of course, but none to those who have fallen subsequently.

It is true that our military activities in the past 25 years have not been "popular" with an American people grown sick of war. There has been no sense of national enthusiasm behind our efforts to contain Communist aggression or maintain a meaningful and just peace in Korea, the Dominican Republic, or Vietnam.

Nonetheless, it requires just as much valor, just as much patriotism to fight in an "unpopular" war as it does in a "popular" war. And when one is killed in such a war, the tragedy is just as great and just as heart breaking and permanent. And so is the duty.

At first, Landis Cervenka's program was modest in scope. He wanted to place two 37-millimeter cannons in the Duncan Dining Hall area of the campus, and have them dedicated properly in some kind of reverent ceremony.

The idea caught on immediately with the Texas A. & M. corps of cadets and it grew considerably in scope. The president of the college, Earl Ruder, 1932, gave

his complete cooperation. So did Robert H. Rucker, 1938, professor of soil and crop science, who serves as landscape architect for the campus. The association of former students and various other departments of the college also responded enthusiastically to the program.

But, most of all, the students were the moving spirit, and have been the reason for the success of the project. The classes of 1969, 1970, 1971, 1972, and 1973 raised the money and helped formulate, and approved the plans.

As a result of this determined and dedicated effort, the Memorial Meditation Garden, the gift of the corps of cadets, was dedicated in the Duncan Dining Hall area on November 8, 1969. The Memorial Meditation Garden consists of a dignified array of trees and shrubs surrounding a rectangular court. In the center of the court, which has benches arranged for meditation, there is a 10- by 5-foot memorial stone on which the names of our heroic Aggie dead have been inscribed. Names will be added whenever the tragic necessity arises.

It is a beautiful place, a quiet and inspiring place, a tribute to our dead and a living memorial to the spirit of Texas A. & M. which has made such a distinguished and continuing contribution to the safety and preservation of our Nation, and to the maintenance of the liberty of its citizens.

Among certain elements in our national and academic life Texas A. & M. has the reputation of being "square." One sees no long hair and beards on the campus. The students bathe regularly and dress neatly. There have been no troubles with SDS agitators, no problems with marijuana or LSD or the habit-forming drugs. The students are preoccupied with the task of acquiring an education and of learning to be useful and contributing citizens in the world of today and tomorrow.

As one tours the Texas A. & M. campus one is struck by the pervasive atmosphere of earnestness, responsibility, self-possession. It never occurs to anyone to throw public, screaming tantrums, to write obscenities and meaningless epithets on the walls, to burn automobiles, or to throw rocks at windows. The college officials, the professors, and even the various deans walk through the grounds without fear of being brutalized and humiliated. Indeed, there exists between the faculty and the students an adult and meaningful relationship based on mutual respect and trust. And, of course, there is on all sides a fierce pride in the college itself and in themselves.

Texas A. & M. is known as a "tough" school. It is tough academically; it has a tough disciplinary system and there is far less permissiveness than one finds on the average college campus today. Yet the impression one receives there is one of freedom. The members of the corps of cadets think for themselves; they are not slaves to mindless slogans or to the fashionable attitudes of violence and negativism. Although most students receive instruction in the disciplines and techniques of war, they know that violence does not and will never lead to truth but can lead only to repression, chaos, and tyranny.

Square? Perhaps; but, if this is true, then the Nation needs the kind of squareness which characterizes Texas A. & M. I only wish this kind of "squareness" were exportable and could be piped onto the campuses of the Nation's largest, oldest, and most affluent universities.

I do not say that all institutions should strive to be like Texas A. & M. Diversity is a necessary element in any intellectual process, and especially in the education of the young. But, the other universities in the United States would do well to study the attitudes and accomplishments of the faculty and students at Texas A. & M., and to become more acquainted with the type of young man the college is producing.

As I say, the Nation's universities could use a great deal more of the spirit and the mental discipline of the A. & M. students.

I find among the undergraduates at the less "square" universities and colleges of the Nation far less diversity in opinion and manner than I find among the undergraduates at Texas A. & M. Those unkempt young men on the more permissive campuses believe they are revolutionaries, but I find them depressingly conformist in their appearances and modes of thought. They look alike—they act alike—they dress alike—and they parrot the same kind of "in" phrases which seem so dreary after constant repetition. They have the same "heroes" and they have the same "villains"; they scoff at the same ideals; they worship at the same empty shrines. When they are asked to explain their prejudices or to defend their principles in depth, they roll out mass-produced, factory-tooled clichés which have been provided to them in wholesale lots. When you see them en masse, as we did so recently in Washington, you get the impression that some almighty Xerox machine had gone mad and had made innumerable, identical, but somewhat scruffy copies of an obscure original.

Undoubtedly they scorn an institution like Texas A. & M. because so many members of the student body wear, on proper occasions, military uniforms. They consider this the ultimate in conformity. So then they wear their own uniforms which are just as much symbols of conformity as the military uniform, and consider themselves, by contrast, "free souls." It would relieve the monotony if only they would condescend to wear different styles of glasses; but no, the "granny glasses" are "in" and must be worn if one is hopeful of being accepted by one's peers.

The campuses of the Nation could well use a strong infusion of the diversity and the mental and physical individualism that I find at Texas A. & M.

They could also well use a great deal more of the patriotism and the reverence for total sacrifice which motivated the creation of this beautiful Memorial Meditation Garden they have created at the heart of their beloved campus.

Under leave to extend my remarks in the RECORD, I wish to include the program of the dedication together with a short history of the activity behind the dedication:

THE MEMORIAL MEDITATION GARDEN  
(Dedicated by the Corps of Cadets of Texas A. & M. University, November 8, 1969)

"Greater love hath no man than this, that a man lay down his life for his friends"—John 15:13.

This memorial is dedicated to those A&M men who gave their lives in defense of our country since World War II. Here is enshrined in spirit and bronze a tribute to their valor and devotion to their country. The Corps of Cadets Classes of 1969, '70, '71, '72, '73.

More than 20 years and two major conflicts have transpired since Aggies last erected a memorial in memory of comrades who made the supreme sacrifice for their country. The Memorial Meditation Garden, when dedicated on November 8, 1969, will become the third major memorial on the A&M campus. Flags in Kyle Field and markers on the main drill field commemorate those who died in World War I. The Memorial Student Center honors the memory of those who gave their lives in World War II. Now the Memorial Meditation Garden will pay due respect to the more than 300 Aggies who have fallen since World War II.

Perhaps most notable of the items concerning this monument is that it is completely a student project. While unruly mobs of unshaven, unwashed and unkempt radicals brought other major American universities to their knees, thus disrupting the educational process for hundreds of thousands of students, the leaders of the Corps of Cadets were designing a tribute to those men whose very sacrifices made possible the limits of dissent by which these radicals would destroy our society. The Memorial Meditation Garden is a gift of the Corps of Cadets, Classes of 1969, 1970, 1971, 1972 and 1973. Situated between the wings of Duncan Dining Hall, the monument is a smartly designed array of trees, shubbery, and benches arranged about a concrete rectangular prism, upon which the bronze tablet with the names of the war dead will be placed. The memorial will not only serve as a proper tribute to those who have gone before, but also as a living reminder of the distinguished and continuing contribution which the Texas A&M Corps of Cadets has made to the Armed Forces of our country.

#### TO RECOGNIZE THEIR SUPREME SACRIFICE

It's been nearly 20 years since a memorial has been erected to the war dead from Texas A&M.

And while it's been nearly a quarter of a century since there has been an "official" war, former students of Texas A&M have continued to die on active duty. Until now, there has been no memorial to recognize those who have died in uniform since the close of World War II.

This fall there will be such a memorial and it will culminate a couple of years of effort by a member of the Texas Aggie Band.

The project started out simply enough. Landis S. Cervenka '69 of San Antonio wanted to locate a pair of 37 mm cannons in the Duncan Dining Hall area where the Texas A&M Corps of Cadets resides.

But, as the project developed, only the area stayed the same.

The memorial will be dedicated this fall to the former students of Texas A&M who have died in defense of their country since the end of World War II. It will be located between the east and west wings of Duncan. The ten-foot by five-foot memorial stone will be centered in a meditation garden surrounded by ligustrums.

As an example of the kind of "student power" associated with Texas A&M, the entire project will have been financed by members of the Corps of Cadets.

"In talking with other students, I recognized the need for such a memorial," says

Cervenka, who received his marketing degree in May. A platoon leader in the Maroon Band last year, he notes, "There has been a lot of talk about initiating a memorial to these former students, but none of the proposed ideas ever came through or proved feasible."

Cervenka got to meet a lot of people during the two years he worked to bring the project to reality. He hesitates to estimate the number of hours he put into it, not to mention the grade points.

The list includes contacts with the Association of Former Students, the College of Architecture and Environmental Design, and the Military Science Department. Cervenka spent time conferring with Dean of Students James P. Hannigan, last year's Corps Commander Hector Gutierrez '69, and President Earl Rudder '32 before the project was finalized.

Design of the memorial was coordinated with Robert H. Rucker '38, professor of Soil and Crop Science, who serves as landscape architect for the campus. The Duncan Hall area where the memorial will be located now only has a bulletin board, grass, and assorted bushes.

Construction of the memorial will take place this summer and be completed when the students return from summer vacation in September. All the preparation for the memorial has been completed except the compiling of the names to be placed on the actual memorial plaque.

Matthew R. Carroll '70, corps commander for the coming year, has been given this responsibility. The major source for Carroll's list will be the names compiled by the Association of Former Students of those men who died in Korea and Vietnam.

But Association officials are the first to point out that their lists may be lacking, particularly the names of those who lost their lives between World War II and the Korean conflict.

"We want the memorial to recognize any former student who has died while on active duty during these 'cold war' years," states Cervenka. "It is time we dedicated a memorial to those former students to recognize their sacrifice, whether it be in a declared war or undeclared war. This memorial will include those who died in Korea, the Dominican Republic, Vietnam, and any other former students who have died while in uniform since World War II."

Cervenka still has access to those 37mm cannons, but the plans no longer call for them to be included as a part of the memorial. Now it is planned to display them at the flag pole in the dorm area serviced by Duncan Dining Hall.

#### RHODESIA

### HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. BRINKLEY. Mr. Speaker, I wish to join with the gentleman from Ohio and my other colleagues in recognizing the fourth anniversary of Rhodesia's independence. I wish to make a simple point about Rhodesia. Why should our country be giving full support to the tightening of economic sanctions against her?

Rhodesia has done us no harm. Russia, on the other hand, in conjunction with North Vietnam is in armed conflict against us.

Because we no longer purchase chrome from Rhodesia, U.S. imports of chrome

ore from the Soviet Union have doubled to 60 percent of the U.S. market this year. And Soviet chrome ore prices have jumped about 50 percent since early 1966.

Is this not incredible? On the one hand we are trying to suffocate a friendly nation, while on the other hand we are doing business with a totalitarian Communist regime which rules its citizens with an iron fist and actively supports our enemies in Vietnam. Mr. Speaker, I firmly believe the administration should reconsider its position on Rhodesia.

TRIBUTE TO THE LATE JOSEPH  
PATRICK KENNEDY

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. KLUCZYNSKI. Mr. Speaker, it was with great sadness that I learned of the death Tuesday of the former U.S. Ambassador to Great Britain, the Honorable Joseph Patrick Kennedy. A man whose life was one of great financial success and much personal tragedy, Joe Kennedy became a bank president at age 25, and eventually became a multimillionaire. But his success was more than financial. Ever interested in politics and Government, and grateful to the Nation that made possible his outstanding business rewards, the Ambassador and his remarkable wife, the former Rose Fitzgerald, instilled in their nine children a love for America matched only by their determination to serve her.

His Roman Catholic religion was important to Joseph Kennedy, and it became an integral part of Kennedy family life. Their shared tragedies have been borne in the past through an abiding faith and trust in God. Richard Cardinal Cushing, who will celebrate a funeral mass for Ambassador Kennedy, said of him yesterday that he was "the Father of the Family," explaining that he so described the late Mr. Kennedy "because the central and loving authority of the father has been so diminished in what presently exists as family life in our time. He instilled a sense of purpose in the family so that all its members extended their increasing maturity into careers of unparalleled public service and achievement."

It should be a lesson to many of us in this modern age of permissiveness that Joseph Patrick Kennedy guided his children firmly and with love. Of his nine children, one is hospitalized and four are dead. One became President of the United States, two became U.S. Senators, and one was a Navy pilot who gave his life in a volunteer mission during World War II; his daughters are themselves remarkable for their contributions to mental health, retarded children, and similar important causes.

The children of Joseph Patrick Kennedy are a testament to him as a father, as an American, and as a human being. Mrs. Kluczynski and I should like to extend to Mrs. Kennedy, to Senator

KENNEDY, the Ambassador's daughters, and the entire Kennedy family, our deepest sympathy at this difficult time.

DAVID AND THE NETWORK  
GOLIATHS

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. TIERNAN. Mr. Speaker, I would like to call to the attention of my colleagues an article which appeared in the November 1, 1969, issue of Saturday Review. The article elaborates on a suggestion made by Saul David, a film producer for Universal Pictures, concerning films shown on television which are abridged and reedited.

At a time when we are just beginning to truly recognize the importance and potential of the communications media, we must continually search for innovative ideas to deal with problems in this area.

Mr. David's suggestion of informing the public of cuts in tapes on TV is geared at protecting the public against misrepresentation and deception. Surely this is in the public interest and should be strongly considered by the Congress.

The article follows:

DAVID AND THE NETWORKS GOLIATHS

Saul David, a film producer for Universal Pictures, has raised an interesting question about the abridgment and re-editing of theatrical films to be shown on television; if carried far enough, it raises even more interesting questions about the broadcasting industry's content standards.

Mr. David, who produced *Our Man Flint*, the Twentieth Century-Fox film that had its television premiere on ABC recently, asked in a letter to California's Senator George Murphy: "Shouldn't people watching a televised film have the right to be cautioned that what they're getting is not what the theater audience got—and by how much?" The producer was moved to write to the Senator (and to send a copy of his letter to me) after he had seen his film "not so much re-edited as lobotomized into senselessness." He estimated that from ten to fifteen minutes had been cut, so that vital connective tissues were flagrantly destroyed.

David is no newcomer to the notorious world of the bowdlerizing of artistic works. Before he became a film producer, he was editorial director for Bantam Books, at a time when abridged versions of literary works were commonly offered by publishers who wanted to save money by cutting page lengths. Then the Federal Trade Commission ruled that abridgments had to be prominently and clearly labeled as such. The enforcement of this rule caused reprinters generally to stop cutting. Readers felt that they were being cheated out of juicy portions of a book when they bought an abridged reprint. This, in turn, set up a competitive market-place pressure for other publishers to offer "unexpurgated" editions. Today, a reader may choose; but that is not the case with televised films. Stations do not announce on the air or in their ads that film reprints are cut.

When queried about the matter, an ABC spokesman asked, "What difference does that make?" It is commonly known, he asserted, that films are cut for TV—to make them comply with broadcast standards, or to fit

time slots (or, as he did not say, to accommodate more commercials).

One cannot be certain that all viewers know that TV films are cut. Even if they do know, should they nevertheless be warned in advance? Arguing by the logic of extension—if the FTC held that abridged books must be labeled, why shouldn't it also hold the same for abridged film reprints? The Federal Communications Commission has a ruling that when canned-laughter tracks are used in programs, an announcement must be made that "portions of this program were prerecorded." It doesn't mean much, but it's there. The incisive problem here concerns the public's right to truth in advertising, to its protection against misrepresentation and deception.

David is not arguing the private right of the artist or producer to the integrity of his work and reputation. Gene Autry, Roy Rogers, and Otto Preminger fought that battle in California courts; they either lost completely or the courts held so closely to the degree of substantiality of cutting that it was impossible to tell how materially the mood of a film had been affected by a television abridgment. The Universal producer is not engaged in a vendetta against television. He doesn't contest the networks' right or need to cut a film; he just marvels that they pay so much for it and then "chop it into idiocy."

I discussed David's point with a copyright attorney, and with a few people at the FTC and FCC; they all agreed that no one had thought about it—it was worth investigating.

The TV networks claim they often have to cut Hollywood films that are made under more permissive standards than their own. Suppose that, under a new practice requiring clear labeling of abridgment, a network cut what it deemed was excessive sex or violence in a film reprint. Then suppose that a station that does not subscribe to the industry code bought the film and advertised it as unexpurgated. And the viewers flocked to the noncode station. Could that station be stopped for unfair competition? What all-wise censor would be called upon to decide which is fit for home viewing—the original or the abridged version? The problem illustrates the arbitrary nature of television censorship. Whose interest, convenience, and necessity are being served now by TV abridgments of films: those of the artists, the broadcasters and advertisers, or the public? In my opinion, the present situation serves the broadcasters and advertisers. But I would be open to instruction, in the event that the FTC or the FCC acted on David's question, and put the subject up to debate.

BIG TRUCK BILL

HON. FRED SCHWENGL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. SCHWENGL. Mr. Speaker, my editorial for today is from the *Mandan Pioneer*, in the State of North Dakota. The editorial follows:

[From the *Mandan* (N. Dak.) *Pioneer*, Sept. 9, 1969]

INCREASED TRUCK SIZE

The Nixon Administration gave qualified support last week to a bill that would allow larger trucks and busses on the nation's highway's in spite of the fact that it does not have adequate data about the effects of the change.

Francis C. Turner, federal highway administrator, told a House public works subcommittee that his agency did not have "sufficiently reliable evidence" to determine

whether the increased sizes of trucks and busses would mean additional safety hazards for motorists.

Rep. Fred Schwengel of Iowa who opposes the bill said it was "incredible" that the Department of Transportation did not recommend delay in action on the bill until it could collect adequate safety data.

The bill is supported by the trucking industry and opposed by the American Automobile Association. It would increase the maximum allowable width of trucks and busses using the interstate highway system from eight to eight and one-half feet. The limit on weight would be raised to 108,500 pounds from 73,280 pounds. The length, which is not limited now, would be set at 70 feet. Turner recommended a maximum of 65 feet.

The trucking industry contends that bigger vehicles would permit more economical movement of freight and more comfortable bus travel. Opponents say the larger vehicles would increase the risk of traffic accidents and cost the Government millions each year in repairs caused by added wear and tear on the highways.

Meanwhile, Ralph Nader, consumer advocate who led the move for greater automobile safety, termed the Administration's decision a "flight from responsibility because Congress does not have the resources" to decide the safety issue.

North Dakota law already allows buses to go to 8½ feet in width but trucks are limited to eight feet. North Dakota allows 65 feet for length with certain requirements and exceptions. If the federal law is changed the states will have to conform.

Trucks and buses constitute a hazard to the ordinary driver in an automobile because of their size. President Richard M. Nixon declared in his election campaign last year that he would oppose any legislation that did not protect the "safety and convenience" of the traveling public. Trucks and buses constitute a safety hazard and an inconvenience to the traveling public. How much of a hazard and inconvenience the new truck size would be is not known, but it would seem that some research on the subject is needed before the larger size is approved.

#### A SMALL STEP TOWARD ALLEVIATING THE JET NOISE PROBLEM

**HON. RICHARD L. OTTINGER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. OTTINGER. Mr. Speaker, the Federal Aviation Administration should be commended for promulgating last week the Nation's first Federal regulation limiting the noise of jet airliners. The FAA's action follows a congressional mandate in legislation enacted last year. That legislation was the outgrowth of bills introduced by me and a number of my colleagues in the 89th and 90th Congresses.

The new FAA regulation sets maximum noise levels for jets measured at three stages of flight—during their descent to an airport, while accelerating down a runway, and as they take off. After December 1, new airliners and other jet-powered civil aircraft must meet these limits as a condition precedent for FAA certification.

Of course, the rule applicable to new jets is only one part of a comprehensive effort to lessen the impact of jet

noise. It is essential that the FAA promulgate effective rules for existing jet aircraft, and it is my understanding that such action will be taken next year.

While the FAA's action to date is praiseworthy, I am deeply disappointed in the exemption granted the Boeing 747, a 362-passenger jetliner scheduled to go into service early in 1970. I agree with the Airport Operators Council International that as "the only important new aircraft expected in the near future," the Boeing 747 should have been covered by the jet noise rule.

#### MUCH TO LOSE IN REBUFFING EARNEST DESIRES OF YOUTH

**HON. DAVID R. OBEY**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. OBEY. Mr. Speaker, a recent editorial in the Wisconsin Rapids Daily Tribune gives an excellent description of how "adult" politics can make it extremely difficult to convince young people that they should seek changes in our society—their society—within the established political structure.

The editorial presents the story of young people in Ohio who spent 3 years trying to change their State constitution to allow voting at age 18. Similar efforts were made in New Jersey, and in both States attempts to reduce the voting age were unsuccessful.

Mr. Speaker, those of us who believe we can right the wrongs of our society by making our system work may be considered way out and off limits to some young people, for we are "the establishment." But if we are to convince the youth of America that they can work within present institutions, then they must be convinced that we welcome their participation in those institutions. We must stage an adult "show" as well as "tell," which clearly indicates to our young people that they can change our system, if that is what they desire, by working within it, and by using the traditional political tools of the soap box and the ballot box.

We cannot do that if we invite our youth to participate in our system on one hand and then shut the door to their entry with the other. We cannot do it, as the editorial states, "by continuing to deny serious-minded young adults the right to participate fully in the affairs of the public."

The editorial appears below:

#### MUCH TO LOSE IN REBUFFING EARNEST DESIRES OF YOUTH

If you want to change what is wrong with society, don't throw bombs at it from the outside. Work with its institutions and within its framework of rules in order to reform it.

That is what the wiser, older generation tells the impatient younger one. In all fairness, however, along with this admonition should go a warning: Faithfully though one may abide by the rules, righteous and just though one's cause may be, there is no such thing as an unconditional money-back guarantee that the system will permit itself to be reformed—either easily or immediately or at all.

A recent case in point was a proposed constitutional amendment to lower the age of voting in Ohio to 19, which was on the statewide ballot in the last elections.

The idea began as a senior class project at Tippecanoe High School in Tipp City, near Dayton, back in 1966. The class began collecting material with which to win friends and influence legislators in the Ohio General Assembly. These included statements from prominent public figures and politicians in favor of lowering the voting age, a petition bearing the names of 30,000 high school seniors throughout Ohio, and the results of a poll the students conducted in Kentucky, which had recently lowered its voting age to 18, showing that the voters were happy with the change.

The Ohio junior citizens were more modest in their goal, however. Fearing a voting age of 18 might be too much to ask of Ohioans, they compromised at age 19.

In 1967, a resolution to put the question of a constitutional amendment to that effect on the Ohio ballot was passed by the state Senate. But then the youthful reformers received a practical lesson in how the "rotten" Establishment crushes all that is fine and good. Republican leaders quietly put out the word that the issue was to be killed in the House. They wanted nothing controversial on the same ballot with certain vital bond issues.

In 1968, the next senior class at Tippecanoe took up the cause and again launched a bombardment of propaganda and persuasion against the Assembly. In 1969, they finally succeeded in convincing both chambers to put the question of "Vote 19" before the citizens of Ohio.

On Nov. 4, the citizens of Ohio rejected it, by a small but decided margin, and everyone is still trying to figure out why.

There was no logical pattern in the voting. Some rural counties that were expected to oppose votes for 19-year-olds registered majorities in favor of it; some cities which were expected to support it defeated it. One spokesman thinks that "general attitudes" toward college students had a lot to do with it. He notes that in a majority of Ohio counties containing institutions of higher learning, the issue was defeated.

In any event, all these young people had played by the Establishment's rules, had followed the book to the letter—and gotten a kick in the teeth. Time now to pry up the cobblestones and fortify the barricades?

But no:

"In spite of this decision, we have an ultimate faith in a democratic form of government and will continue to encourage youth participation through legitimate channels," said Clark W. Wideman, an Ohio State senior and head of Volunteers for Vote 19, announcing plans to secure enough petitions to put the question on the ballot again next year.

"It is not a case of will we get the right to vote, but when will we get the right to vote," he said.

If that kind of attitude is at all representative of young people, the nation has nothing to fear from the future. It may have much to lose, however, by continuing to deny serious-minded young adults the right to participate fully in the affairs of the republic.

#### FORGING A STRATEGY FOR PEACE AND FREEDOM

**HON. BURT L. TALCOTT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. TALCOTT. Mr. Speaker, some excellent speeches were made at the Wash-

ington Monument grounds on Veterans' Day, 1969. One of the best was delivered by our colleague the gentleman from Virginia (Mr. MARSH).

He was able to capture a sense of history and mold it with the contemporary to suggest a solid strategy for our future peace and freedom.

When one of our most able colleagues and dedicated Americans speaks out on an issue which involves the American purpose, I believe we and all Americans should have the privilege to hear.

Mr. Speaker, I include a copy of the speech of the gentleman from Virginia (Mr. MARSH):

**FORGING A STRATEGY FOR PEACE AND FREEDOM**

On July 4, 1918, Woodrow Wilson said: "What we seek is the reign of law, based upon the consent of the governed and sustained by the organized opinion of mankind."

The year before, he said: "The world must be made safe for democracy."

As a step toward that goal, just over a half century ago—on the 11th hour of the 11th day of the 11th month, peace came to the Western Front, and the war to end wars had ended.

Men of the A.E.F. emerged from the trenches to the strange silence of the battlefield. The air was clear and still without the sounds of war. Gone was the chatter of the machine gun and the rumbling of artillery.

Behind them was the Argonne Forest, its trees torn and twisted by gunshot as Americans clawed their way to the Armistice of November.

Behind them was Belleau Wood—and Chateau-Thierry—Behind them was pain and suffering and the horror of war—Behind them were victories and valor.

Behind them slept forever, slept tens of thousands of soldiers of the A.E.F.

For them, the Fields of Flanders would become their home—For them, in countless towns and cities, plaques and monuments would enshrine their memory—For them there would be memorials, but no homecoming—For them there would be tribute, but no ticker tape parade.

For them—for decades, school children in a moment's silence on the 11th hour of the 11th day of the 11th month remembered them and the Argonne, and Belleau Wood and Chateau-Thierry. Because they knew those who had died in France had died to make the world safe for democracy.

That was not a cynic's hope.

The architect of the allied victory was a former University President and Professor, a liberal and the first member of the Party of Jefferson to be elected President in the Twentieth Century.

As members of the Party of Lincoln urged support of Wilson in the prosecution of that war, I urge support of the President today.

World War I was a watershed in our national life. Its currents swept us onto the international scene. Yet secure behind our ocean barriers, America resisted those currents and turned inward. Consequently, another generation of Americans reaped the bitter harvest sown at Versailles—would die again in the fields of Flanders—would fight again across the No-Man's Land where their fathers had fought.

Today there are those who would again have us turn to the old paths of isolation, who believe a new road to peace and world security can be found by non-involvement. This view is surprisingly like that of a "for-tress America", urged upon us in the 1930's, and availed us naught when World War II crashed upon us.

It is one of the ironies of history that the times exact from each generation a special measure. As some men pay a greater price, so some nations bear a heavier burden. The "times that try men's souls" of which

Thomas Paine would write in the Revolution continue to challenge us in the evolution of the American Experiment.

America has always with reluctance resorted to force of arms. Each time, our President has had to bear the indictment that it is his conflict. Yet history tells us that no war has been a President's war. The Civil War was not Lincoln's, nor World War I Wilson's, nor the present one Nixon's. Yet, no President, including Lincoln, during their term of office have ever enjoyed the vindication of history.

Each President has had to wage his own battle for the hearts and minds of his people. That battle is now joined. The terrain of public opinion is not just the rice paddies of the delta, the coasts washed by the South China Sea or a Montagnard Village in the Ammanite Mountains. Today the major battleground for the hearts and minds of the people is the prairies of our own Mid-West. It is along our own coasts and in the rolling foothills of the Blue Ridge and the mountain towns of Appalachia.

I suggest the President forge a strategy for freedom.

1. I urge that the President and those members of his official family charged with prosecution of the war, brief the American people on the geo-political significance of Southeast Asia and the vital part that it plays not only to American interests, but the cause of a free and stable world.

2. Secondly, I urge the President to assist in providing ways and means for those interested in helping the national effort to participate in meaningful ways to show their support. I suggest some mechanism for assistance to civic action projects conducted in the private sector which would enable our people to have a greater involvement with areas in which our forces are committed.

As in crises in the past, the American people are not interested in Party, but in principle. They care little for political advantage. They want a partnership of parties for the national interest rather than the partisanship of political advantage for either of our national parties.

The silent majority must become the voice of the nation. This does not mean abandonment of dissent—nor no longer striving for national goals—or surrendering the commitment to build a better nation.

That men should have differences of opinion and speak out when they favor different courses of action is the history of our Republic and our heritage to the world. But in our pursuit of dissent, let us not neglect our duty to those who serve our country in the field, nor abandon those who have fallen into enemy hands.

Let us not blind ourselves to reason, nor close our eyes to fact. Men of differing opinion must be ever mindful there are nations who believe that might does make right; nations whose weapons include assassination, kidnapping and terror; nations that have tried to mute the voices of dissent by the gas chambers of Buchenwald, by the use of armor in Czechoslovakia or by mass graves in Hue.

I do not believe that our fellow citizens want the terrain of American public opinion surrendered to a vocal minority. Neither do I believe they want the President's hands tied on decisions of this war—decisions which affect their lives and their fortunes, and the prospects for a peace that will enable not only our own, but other peoples of this earth, to pursue happiness.

It was Wilson's dream to make the world safe for democracy. I do not believe that the dream of Wilson is an impossible dream, nor do I believe that man's search for peace need be an endless search, any more than I believe that youth's hope for a better world is an idle hope.

The dream of Wilson, and man's search for peace, and the hope of youth is the common heritage of all mankind. Let us

make this heritage our common cause. Let us reconcile our differences for the common good. Let us prove as we stand near the anniversary of the 200th year of our nation's birth that this nation is truly the best hope of free men.

Let us show that the cause of human Freedom is still America's cause—and in this cause, with God's help, we shall prevail.

**INAUGURAL ADDRESS BY THE VERY REVEREND KEVIN R. KEELAN, T.O.R., PRESIDENT OF THE COLLEGE OF STEUBENVILLE**

**HON. WAYNE L. HAYS**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. HAYS. Mr. Speaker, it was my privilege on November 1 to attend the inauguration of the Very Reverend Kevin R. Keelan, T.O.R. as president of the College of Steubenville in Steubenville, Ohio. Father Keelan's inaugural address was such an outstanding one that I wish to share it with my colleagues.

The address follows:

**INAUGURAL ADDRESS BY THE VERY REVEREND KEVIN R. KEELAN, T.O.R., NOVEMBER 1, 1969**

This day must be recorded in my "book of memories" as one of the happiest. How often is a man granted the opportunity to be surrounded by his entire family—His Excellency Bishop Mussio, the youthful and idealistic co-founder of the College: Mr. Freifield and the Trustees, by whose action "I am what I am" this day; the College Advisers, who, assist and inspire this institution in many ways; my colleagues in the College: the students, who attend the classes and develop the spirit; the faculty, who teach and propose the revisions, and those who administer the policies formulated by all the others.

There is the family of parents—to whom we express special greetings on their Weekend; and the family of friends and benefactors who by their presence today show their love and respect for The College of Steubenville. Present, too, are members of that distinguished family of sister colleges and universities, and learned societies, who grace this day by their presence.

In addition to all of you, a special blessing is afforded me since we are joined by my mother, my sister Eileen, my brother Tom and his family. Indeed a man is fortunate to be surrounded by those he loves.

And so my first act as I assume this office, officially, once again, and become dutifully chained to it, is to express to you a welcome as derived from the high German "willicomo" and is translated: desirable guest, and to extend to you peaceful benediction.

In gathering thoughts to share with you, it became obvious that I would be speaking only as and for myself. In so doing, my views are colored—enhanced may be more expressive—by the fact of the sacramental priestly character which I share and which surely influences my ideas, my beliefs and my convictions. Supported on this base and, in my view, consistent with the Faith to which I adhere, is a conviction that men of principle—whether I subscribe to their position or not—should be free to serve their principles uncoerced. Or, as stated by another: "You may be right, and you may keep on trying to convince me and others that you are right, but the only means you may use are those of persuasion. You may not impose your vision by force on anyone. This means

not only that you are not to stone the heretic or the prostitute or the hippie or the college dean or the Jew or the businessman or even the policeman; it means as well, and most importantly, that you are not to get the policeman or the sheriff to do your stoning for you."

What I'm saying is that each man should be permitted "to do his thing" as long as he sincerely believes that what he is doing is right, and as long as he doesn't infringe on the rights of others and he does it peacefully. This implies, of course, that he has a clear vision of what man is, what he can be or what he should be.

Such a position does not answer all my questions or solve all my problems, but it is helpful in placing things in perspective. There is a catchy commercial which points up the great advances made by women during the past twenty-five to thirty years—now she no longer needs to smoke behind the woodshed but may smoke in the drawing room—"you've come a long way, Baby." And indeed, we have come a long way.

In our immediate area, we see highways criss-crossing; the airwaves jammed with radio signals, long- and short-wave, carrying information, entertainment, sports, police and fire calls, business transactions, and friendly greetings across the state, the nation, and the world. Television allowed us to watch an Ohioan be the first to walk on the moon. Wars among nations and battles between brothers can be enjoyed as we take our coffee along with our favorite news commentator. If modern America wants a plain, it levels a mountain; a lake, and the earth is gouged out. The affluence of America is matched by the creative genius of the American free enterprise system, and together they have made every man a king.

Today, the average American—if indeed there is one—lives in a better home, has better lighting, better heating, eats better food, drinks better water, and has a wider selection of more suitable, fashionable clothing at a price he can afford than any feudal lord or eastern potentate ever dreamed possible. We call this progress, but it is also the result of dissatisfaction with things as they are or were, and of dissension. Both lead to experimentation and the study of means whereby man's lot can be improved. Ultimately this dissension and disagreement lead to the invention of machines and improvement of processes that affect the everyday life of everyone. Life is never static.

Much the same goes on in the field of education. There is uneasiness brought about by the dissatisfaction of those most affected by the process and the programs. Charges and counter-charges have been addressed to all the interested parties: trustees, presidents, faculties, and students. The question has been asked, "Who's in charge here?"

Trustees have been accused of representing the older generation, the white race, religious orthodoxy, the political and legislative factions, business and economic conservatism—in short, the Establishment. Other critics accuse them of not representing the Establishment enough. Yet trustees, today, possibly because of this criticism, have been undergoing a radical if subtle change. They are aware that institutions of higher learning are not only places where past achievements are preserved and transmitted, but where "conventional wisdom is constantly subjected to merciless scrutiny."

Presidents—and it is estimated that at any given moment there are 300 vacancies in these offices—have learned that the old responsibility of leading the faculty and students has expanded to include money-raising and business management. Great colleges and universities come about because of the greatness of their faculties. Since faculties do not of themselves build great faculties, administrative leadership is essential. Presidents, assisted by a loyal, hardworking, progressive corps of fellow administrators, must

show the way in placing greater emphasis on cooperative administration with responsible faculty and student groups, always protecting the primary role of the teacher and the student. One danger which appears in the distribution of administrative chores on such a broad level is that all facets of the academic community become administrators, to the neglect of the learning process.

Two excerpts from documents endorsed by the American Association of University Professors merit our consideration: "Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition." (Academic Tenure and Freedom) The assumption here is that truth does exist and that civilized men possess values to judge it. Again, from the Joint Statement on Rights and Freedoms of Students, we read: "The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility." Freedom worthy of the name implies responsibility which, in turn, demands self-discipline. The latter presupposes norms—spiritual and moral included—which enable men to live a wholesome life.

Presidents must always understand that "academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society."

In furthering these purposes, he is constantly reminded that there is no inexhaustible source of monies available to satisfy the desires of everyone. Indeed, basic needs must be given priority status. The president must attempt to be aware of everything going on within the institution; he must be wise enough, and hopefully understanding enough, to be appreciative of the shortcomings and failings in others—certainly to the degree that they forgive and forget his errors; he must be sufficiently provident to commit anticipated income where it will do the most and the best at the same time, always estimating precisely how much a donor may reduce his gift because of changes in tax laws, or how much benefits to students will decrease, or the difficulties encountered by parents and students as they go out to borrow money for their education.

The role and responsibility of the faculty in academic areas has long since been recognized. I fear for the administrator or Board which would infringe on the authority of the faculty in the classroom. Academic Freedom, happily, has come a long way in protecting the prerogatives and the way of life of the faculty. But there are hazards. Misinterpretation of the security of academic freedom may lead one to fall into a comfortable rut where the status quo is perpetuated, and as a result, the student, the institution, and society itself suffer. One observer has commented that, "Under the banner of academic freedom, (the individual professor's) authority for his own course has become an almost unchallenged right. He has been free not only to ignore suggestions to change, but licensed, it is assumed, to prevent any change he himself does not choose."

The distinguished jurist, Learned Hand, wisely observed another danger when he wrote: "One cannot wear a sword beneath a scholar's gown." Indeed, one cannot be an advocate and a scholar at the same time. Unwillingness to recognize this truth causes serious problems. Some of the loudest proponents of academic freedom are, in fact, among the greatest offenders of the privilege. "Academic freedom is not an irrevocable grant. If it is lost, the process of creative thinking suffers, as does the development of truly free, inner-directed students."

A modern faculty phenomenon is mobility.

In days past, the faculty corporation was the institution; its members tended to become affiliated, to become a part of an institutional family. Today, opportunities for continuing study and research, environmental qualities affecting the whole family, accessibility of once remote places, availability of educational, cultural, social and recreational facilities, vitiate against permanence. Another reason is the demand to become more involved in the processes of academic governing—committee work. Many faculty prefer to teach and to extend the range of human learning.

The most recent group to become involved in "governing our institutions," the reason we all came together in the first place, are those who joined us to learn: the students.

From a lofty presidential vantage point, one muses: "What would we ever do without you?" However, since the president doesn't spend much time in isolation—he sometimes asks himself: "What, in heaven's name, shall I do with you?"

It may not be wise to pass over those incidental students who clamor over stated issues and not real issues; those for whom the real issue is not needed reform and adaptation to contemporary situations but rather the destruction of the political and social system in which we make our living and live our lives. These are few—troublesome, noisy, disruptive—but few, about 35,000 among nearly 7 million students.

I prefer to speak with the students who in ever-increasing numbers desire more student participation in decision making, changes in the teaching process and in the curriculum. Their voices have been heard and will continue to be heard by thoughtful educators.

Henry Adams once remarked: "The chief wonder of education is that it does not ruin everyone connected with it, teacher and taught." Ruination may well be the end of an educational process which does not pause to think and to listen.

The American Declaration of Independence is recognized as a tool advancing the freedom of men. While not a perfect document, the vision and the planning and the insights of the authors is attested to by the fact that only twenty-five amendments have been necessary.

There is comfort in these times of distress when one rereads the observations of heroes from the past. Thomas Jefferson, at the time of Shay's rebellion, commented: "A little rebellion now and then is a good thing . . . it is a medicine necessary for the sound health of democracy." And Edmund Burke's words before the House of Commons (1782): "The individual is foolish; the multitude, for the moment, is foolish, when they act without deliberation; but the species is wise, and when time is given it, as a species, it always acts right."

Despite the labels of "revolution," "protest," and "rebellion," I prefer to think of our times as the "Age of Discovery." We are discovering—again if you wish—that an important function of education is to preserve the valuable traditions of the past and hand them on to future generations.

In recent times, the value of some of this nation's traditions, as well as the tradition of the Church, of business, of any established institution, for that matter, have all been called into question—often in a loud and boisterous manner. Last January, President Nixon asked those who dissent to lower their voices a bit, since we often cannot hear what the other is saying. The Christian tradition also prefers voices a bit lower, remembering how the roar of the crowd prevailed and sentenced Jesus Christ to death on the cross in spite of the reservations of Pontius Pilate, the Roman Governor.

Thank God, up to now the voices clamoring for change at The College of Steubenville have been thoughtfully critical, yet low enough in volume that each one is able to

hear the other. Our students are to be complimented for this, and our faculty and administration are to be complimented as well. At this College, the valuable traditions of the past have been preserved and handed on, have been questioned and re-thought through the interaction of young and old who have respected each other as persons even when disagreeing with ideas.

It is one of the goals of The College of Steubenville to continue and improve this state of affairs wherein students respect the wisdom and experience and the traditions and values of the generation that time alone has made their teachers, and the teachers respect the insight and zeal and interests and values of the persons whom time alone has made their students.

Those of us who have freely chosen to become part of the faculty and student body of a church-related college should ponder well the distinctive role and service the private sector of education has rendered to our nation. Early American society readily accepted the idea that the support and management of higher education was a primary responsibility of the churches. At the time of the American Revolution, nine colleges already were formed under religious sponsorship; there was one other without direct church affiliation.

Church-related institutions are stewards of a public trust. It follows, then, that their first duty is to serve the public interest according to its needs and moral demands. Documents of the Second Vatican Council (Church in the Modern World, Religious Freedom, Apostolate of the Laity) confirm and expand the principles relating to the temporal order and obligations of the laity which are especially relevant to education as an apostolic work.

Catholic colleges and universities exist to serve the entire American community, a principle which The College of Steubenville has practiced from its foundation in 1946. At the same time, the early College family was keenly aware that they were to give witness to Christ, the inspiration and goal of Christian humanism, in the pattern of Francis of Assisi who understood the Gospel as a way of life. Such a commitment demands dedication, and those who share in the mission must be aware of the commitment. It is our institutional duty to state this commitment clearly, without hesitation, in order that all who come to share our mission understand that we do not intend to de-emphasize our peculiar religious foundation and orientation.

In proudly reaffirming that we possess a distinctive reason for our being, and that we are conscious that God's blessings have been showered on us, we wish to declare that we want no one of the College family to feel out of place and we ask that the integrity of everyone be respected.

I am not unaware of difficulties ahead. I accepted my election to the presidency with a background of having served in the past. I accept the responsibility freely and with the joy of knowing with whom I am working.

Together we shall continue to define our purposes with confidence, hopefully blending the riches of the past with the spontaneity of the present, cognizant that four years constitutes a complete college generation.

Together we shall seek to broaden the base of government, aware that each of us has a role to play. We shall attempt not to infringe upon the primary duties of those of you who are Masters and Doctors, and those of you who are apprentices.

Together we shall work to show that personalized quality education has true meaning and is within the realm of possibility for our constituents—both academically and financially.

Together we shall keep in mind that each individual is a sacred person with rights to be respected.

Together let us remember the promise that

wherever two or three are gathered together in God's name, He is present among them—and we are present to each other.

ALLAN MUELLER—GREAT  
COMPOSER

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. PHILBIN. Mr. Speaker, I revise and extend my remarks in the CONGRESSIONAL RECORD to include therein a recent article from the Worcester Telegram captioned "Concert Features Clinton Man's Composition."

The concert was by the famous Worcester Symphony Orchestra headed by the outstanding conductor, Mr. Harry Levenson. The young Clinton man referred to, Allan Mueller, I am proud to state, is from my hometown of Clinton, Mass. The concert featured the world premiere of Mr. Mueller's symphonic tone poem "The Devil's Gate."

This young man is especially gifted and I believe he is destined to be a great composer, in fact, he has already achieved great fame. He is already a pianist and soloist of note, and all his neighbors and friends in his hometown are greatly pleased to learn of his success and send their heartiest congratulations and best wishes for the future.

I take great pleasure and pride in joining these tributes to this very talented young man and his family, and I am confident that he will enjoy more successes in the musical world.

CONCERT FEATURES CLINTON MAN'S  
COMPOSITION

(By Raymond Morin)

The Worcester Orchestra's performance of the "Rienzi" Overture yesterday afternoon at the Auditorium was noteworthy playing and a high spot in the orchestra's long career under conductor Harry Levenson.

Some 1,500 persons attended the season's first Family Concert In-The-Round in which Allan Mueller of Clinton appeared as composer and piano soloist.

Levenson conducted the orchestra in the world premiere of Mueller's symphonic tone poem, "The Devil's Gate."

The young composer was soloist in the opening movement of Gershwin's Concerto in F.

Wagner's seldom-heard "Rienzi" received an excellent performance. Not only did the 57 players deliver notes accurately, but melodies had vibrancy and breadth.

ROSSINI INFLUENCE

Levenson followed a compelling climactic plan, and even brought out the subtle influence of Rossini which Wagner experienced at this early stage of his writing.

One had to admire Mueller's handwork in "Devil's Gate" despite its smattering of derivative sources. Orchestra and conductor made it well-worth the listening.

It opened with stentorian oratory mostly concentrated in brasses. Slower, quieter interludes had effective interplay between strings and woodwinds.

Mueller's writing steered clear of harmonic exaggerations, and most cliches. Its swift changes from hot to cold, alternated tempos and intermittent solos suggested a narrative. Apparently the listener is to devise his own form the clue offered in the title.

The composer at the piano contributed to the heavy ending—a rhapsodic release of brassy content and thick melanges.

Brasses contributed little to the opening of the Gershwin concerto. The solo start was expressive with some traces of sentimentality.

FLEXIBLE CONCEPTS

Mueller's technical passages were prudently approached, not entirely accurate, but in a good Gershwin genre. He introduced a number of his own flexible concepts, to which Levenson adjusted with resource.

In general, the solo performance lacked sparkle and momentum, a condition that the orchestra couldn't entirely remedy.

Levenson brought out the sunny disposition of Mozart's Symphony No. 29 in A major. The orchestra cooperated.

Strings were united in bowing. Volume boundaries were definitive. The slow movement was somewhat inflexible and hastened but by no means devoid of tonal warmth.

The minuet was spirited and delicate without becoming fragile. The rondo was less steady in ornamental material and not as responsive to direction.

Capricious vignettes, called "Matinee Musicales" by composer Britten were conducted with imagination and played with spirit, particularly the waltz and moto perpetuo.

The Nocturne brought out some well-trend piano phrases by Madelyn Levenson. Korngold's "Straussiana" was a lively concert windup.

INTERNATIONAL TRADE

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 18, 1969

Mr. DELLENBACK. Mr. Speaker, the President's message on international trade is a happy reminder that the United States has come a long way since what used to be called the "tariff question" was a bitterly partisan subject.

President Nixon has wisely chosen to continue the policies that have been followed by the last five Presidents of the United States and by the last 18 Congresses. But to say he is continuing a basic policy is not to say that there is nothing new in his proposals. The new bill is a modest one but it is an extremely significant one. It recognizes that great changes are taking place in world economics. It calls for an independent World Trade Commission to chart a thoroughgoing set of American initiatives to respond to these changes and help shape them. Adequate on one hand, it is ambitious on the other.

There are other features in the President's proposals that will move our trade policy forward from the last act that was passed 7 years ago. This, incidentally, is one of the longest periods in the 20th century to go by without congressional action on foreign trade, a fact that attests to the basic soundness of our trade policy but also to the importance of bringing this policy up to date by new legislation.

Rather than discuss what is new in the proposals, however, I would like to remind you how much of the doctrine contained in this bill is devoid of partisanship. Politics may not stop at the water's edge, but I believe there is sound precedent for stopping it at dockside.

At this time when so many divisions rend our Nation, I believe we should hold fast to this spirit of nonpartisanship in trade policy. And in doing so, let us hope

that many of the issues so bitterly contested today will also find reconciliation in a truly national policy and in a policy marked by as much success as trade has enjoyed.

FRANK SALZARULO, AUTO EDITOR  
OF INDIANAPOLIS NEWS, DIS-  
CUSSES NEGLECTED ASPECT OF  
AUTO SAFETY

### HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. BRAY. Mr. Speaker, in late October a truly horrible traffic accident in Indianapolis resulted in immediate death of eight persons. Two cars were racing in the street and one crashed into the rear of a parked auto, which was loaded with nine persons.

Frank Salzarulo, auto editor of the Indianapolis News, wrote two perceptive and enlightening columns on the hazard presented by overloading passenger vehicles. He has thrown considerable light on what seems to be a generally neglected aspect of auto safety.

The story describing the accident follows, and Mr. Salzarulo's two columns:

[From the Indianapolis (Ind.) News,  
Oct. 27, 1969]

TWO MOTHERS, SIX CHILDREN DIE IN FIERY  
REAR END CRASH

(By Frank Salzarulo)

A fiery crash, involving five vehicles, two of which police said were street-racing and another illegally parked and loaded with nine persons returning home from church services, killed two mothers and their six children last night on the Northwestside.

Deputy Chief Raymond Strattan, who investigated the 6:56 p.m. rear-end collision, said witnesses observed two cars street-racing for nearly eight blocks before the accident.

The crash ruptured a gasoline tank, spreading flaming fuel throughout and around the death car.

Steve Coleman, 25, 3101 N. Olney, driver of parked car, is in critical condition today at General Hospital with burns on 90 per cent of his body.

Coleman's wife, Levina, 24, and son Steven, 3, along with foster children Linda Ligon, 10, and Wayne Ligon, 8, burned to death in the family automobile.

His 5-year-old daughter, Antoinette, was thrown from the car and died instantly of a skull fracture, police said.

Also killed were passengers Ophelia Piggle, 24, 2604 Winthrop, and her sons, Charles, 5, and Kevin, 3.

The driver of a 1957 Chevrolet which rammed the Coleman car was identified as Dalton Wallace, 26, 3910 Eastern, police said.

He is in serious condition at General Hospital with a head cut, broken right leg and possible internal injuries.

#### WITNESSES SAW CARS RACING

No charges have been filed.

Witnesses said they saw the Wallace car and a 1963 white Chevrolet street racing on Riverside Drive for nearly eight blocks before the Wallace car plowed into the Coleman vehicle at 2207 Riverside Drive.

Wallace's vehicle jumped a curb and slammed into a tree as the Coleman car burst into flames.

Strattan said Coleman was southbound on Riverside and had pulled across the north bound lane to let three passengers out at their home.

Witnesses said the Wallace car and the

white Chevrolet were racing side by side at speeds up to 60 miles an hour just seconds before the crash.

#### TRIES TO REMOVE VICTIMS

Kevin Shotwell, 10; Denise Shotwell, 12; and Shawn Shotwell, 8, stepchildren of George A. Brooks, 34, 2207 Riverside, had gotten out of the Coleman car and were walking toward their home when the collision occurred.

Brooks, not knowing the children had fled the scene in fright when flames leaped 20 feet into the air, tried desperately to remove the victims from the wreckage.

He suffered hand burns. The Shotwell children were not injured.

Coleman leaped from the car and ran across the street as his clothing burned, witnesses said.

The victims had attended a Jehovah's Witnesses meeting at nearby Riverside Park Auditorium.

Strattan said the force of the impact shoved Coleman's car into two other vehicles parked in front of the Brooks address.

[From the Indianapolis (Ind.) News, Nov. 3,  
1969]

OVERLOADING IS DANGEROUS, BUT WHAT DOES  
LAW SAY?

(By Frank Salzarulo)

In the interest of safety, there are local, state or national laws placing load limits on planes, commercial buses and even elevators.

These laws restrict loads mostly on the basis of total passengers or, in the case of planes, the restriction also applies to fuel and baggage weight.

Should there be a load limit by law on privately owned motor vehicles on the public highways? Should the limit be in pounds? Number of passengers? Seat room?

How many station wagons have you seen hauling an overcrowded cargo of human passengers—like Little League baseball players? A car jammed with Brownie or Cub Scouts headed for an outing? Or a vehicle packed with school children? A car sagging at the rear axle because the weight of six adult riders puts an undue stress on the car's suspension system?

Does overloading change the handling characteristics of a vehicle? Does it interfere with the driver's vision? Does it create a hazard for others?

Accidents involving mass numbers of fatalities are getting more common as more and more people take to the highways in overloaded motor vehicles, risking more and more lives.

But there is a law on overloading, you say.

#### FAIL TO PROTECT LIFE

Here it is:

"No person shall drive a vehicle when it is so loaded, or where there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

"No passenger in a vehicle or street car shall ride in such position as to interfere with the driver's or motorman's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle or street car."

Indianapolis Police Chief Winston Churchill comments:

"It is distressing that we have to place so many laws regulating motor vehicles, trucks, buses and alike, with specific regulations pertaining to weight and loading. Yet we have failed to regulate the protection of life in the overloading of motor vehicles."

Lt. Col. James R. Peva of the Indiana State Police said:

"The overloading of a private motor vehicle with more passengers than it is designed to carry can be a safety hazard and does lie within the regulatory power of the

state. In order to obtain the necessary support for the enactment of such a provision into law, however, I feel we must establish that the overloading of a particular vehicle could affect the safety of other vehicles using the highway.

"In any event, I feel the most reasonable approach would simply be the passage of a statute forbidding a motor vehicle on the public highway at any time when it is carrying more passengers than can be seated in the permanent seats of said vehicle. This leads us into another area of controversy that has been with us for many years—the overloading of school buses."

Albert E. Huber, executive director of the Indiana Traffic Safety Council, said "Certainly, overloading would hamper efficient steering, would place undue stress on steering and suspensions during turns and maneuvering and would definitely affect the driver's ability to brake or stop the vehicle."

[From the Indianapolis (Ind.) News, Nov. 5,  
1969]

OVERLOADED CAR NEEDS GOOD TIRES, DRIVING  
CARE

(By Frank Salzarulo)

A car loaded with too much baggage or too many people can be a dangerous vehicle unless it is driven with more care than normal.

Because of the extra weight, tires must be in good shape to withstand the punishment.

In addition, a heavy load changes the handling characteristics so you'll find increased sway on curves. Accelerating will be more sluggish and stopping distances will be greater.

A car with too many people involved in an accident sends the highway injury and fatality rate zooming because of possible multiple injuries and deaths.

There is no law placing a limit on total passengers or load limits on automobiles, except to limit the number of persons in the front seat to three.

Car manufacturers provide information on maximum load limits of their vehicles but the limits are governed only by tire sizes and pressure.

Charles T. Mulcahy, of the Ford Motor Co.'s technical information services explains a 1970 Ford standard size car with bench front seat shows 1,100 pounds full rated maximum load, to include six passengers, three in front and three in the rear, and 200 pounds of luggage.

Bucket seat models carry 150 pounds less with two passengers in front and three in the rear.

"You can't add that 150 pounds to the trunk because it would put too much weight in the rear, throw off your weight distribution and adversely affect handling characteristics," he said.

Top load for a station wagon he said, is 1,200 pounds regardless of whether it is a six or eight passenger wagon. The six passenger version allows for 300 pounds of luggage and the eight passenger for zero pounds of luggage, if eight people are in the car.

For weight purposes, adults are averaged at 150 pounds each; thus eight passengers total 1,200 pounds. If several of the passengers are children, you have flexibility in staying within load limits, he said.

At Chrysler Corp., Roy C. Haeusler, chief engineer, automotive safety, Detroit, cited "weight and weight distribution" and not total number of people as the overload problem.

#### DIFFICULT TO HANDLE

Improper weight distribution "could increase the difficulty in handling the vehicle. There would be a tendency toward tail wagging, especially on wagons. It may indeed make an evasive maneuver more difficult to perform.

"It may or may not, affect stopping ability, depending on the particular vehicle, in that

while there's more weight to stop, there's also more friction between tires and the road. So, one may offset the other," he said.

Haeuser said cars are engineered for maximum loads, "But at the same time, I can't support the idea that the car engineered for 1,100 pounds goes to pieces if you put 1,200 or 1,300 pounds in it. This is a greater load than it is designed for but there is no abrupt changeover from a satisfactory situation to one that is unsatisfactory."

Tire pressures are selected on the basis of minimum pressure required to satisfy the vehicle load conditions and optimum pressure required to satisfy vehicle ride and handling characteristics.

The American Motors' 1970 owner manual points out that although some optional tires have increased load capacity, "They do not increase the stated full-load capacity of the car."

American Motors recommends a 150-pound limit "evenly distributed" for roof racks, and warns that the roof rack "does not increase the total cargo capacity of the car."

"Therefore, internal cargo weight must be reduced by the amount of weight on the roof rack and should be distributed as far forward as possible."

#### NO SURRENDER

### HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. McKNEALLY. Mr. Speaker, under leave to extend my remarks, I am pleased to include the following excellent article which appeared in the *Sioux City Journal* recently:

#### NO SURRENDER

LAS VEGAS, NEV.—"When they read my son's name to advocate peace at any price—the price being defeat, let them remember that he whose name they read did not surrender," wrote an anguished Malcolm Thompson.

"When they read the name of Gregory M. Thompson, let them realize that they are proving before the world the truth of the oft-repeated Communist claim that many Americans have become soft, decadent and yielding to any determined force which opposes them . . .

"When those hypocrites read the list of dead who defended South Vietnam, let them know that they have reached the ultimate low in the world record of human infamy, in that they willingly and cunningly utter a dead man's name to achieve the defeat of the cause for which he died."

Thompson's son, Gregory, was an 18-year-old Army PFC who was killed in combat in Vietnam May 17, 1969. The father's words, in a letter sent the *Las Vegas Review-Journal* the day after Moratorium Day, mirrored the other side of American's continuing Vietnam debate.

"It is the ones who saw his body returned in a flag-draped coffin who should be heard—not the protesters," Thompson wrote.

"These transparent propagandists were not there to see my son buried, nor do they accompany me on my trips to lay flowers on his grave . . .

"It is we, the parents, who said goodbye to him when he went away to fight, not the peace agitators.

"It is we, the parents, who wrote long, anxious letters to him during his three months of almost continuous combat, not the agitators . . .

"My son was killed while fighting for his country.

"America cannot be permitted to perpetually persuade its citizens to instill in their sons a sense of patriotism, loyalty and a determination to defend the oppressed, and then, after the sons have died, suddenly change her mind and yield to those who killed him."

#### THE GERIATRIC CENTER AT AUSTIN

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. DINGELL. Mr. Speaker, there has been some mention in the public press of late of the proposed utilization of certain public lands in Austin, Tex., for a nonprofit model geriatric center. In general, the comments which I have heard from administration spokesmen, editorial writers, and others have been critical of the arrangements for transfer of the public land.

It was with great interest, therefore, that I read in the "Letters to the Editor" column of the November 14, 1969, issue of the *Washington Post* a letter from former Secretary of Health, Education, and Welfare Wilbur J. Cohen in which the former Secretary gives his explanation of the matter.

I must say that I have known Wilbur for a good many years and have always found him to be a person of the highest integrity and forthrightness. Wilbur Cohen, over a period of more than 30 years, established for himself an outstanding record of public service—a record which he continues to enhance as dean of the school of education of the University of Michigan at Ann Arbor. He played a leading role in creating our social security system which has been so beneficial to retired Americans and those who have become disabled, as well as their dependents. In fact, his accomplishments on behalf of the well-being of American citizens are legend.

And, in view of his service as Under Secretary and Secretary of Health, Education, and Welfare during the period 1965-68, Wilbur Cohen is in a position to know the facts with regard to the Austin geriatric center.

So that all of my colleagues will have an opportunity to be aware of Secretary Cohen's comments on this matter, I include the text of his letter to the *Washington Post* at this point in the CONGRESSIONAL RECORD:

#### THE GERIATRIC CENTER AT AUSTIN

I was shocked to read your editorial of Nov. 3, relating to Senator John Williams' charge concerning the Geriatric Center in Austin, Texas. It reflects ignorance of all the facts.

As Under-Secretary and Secretary of Health, Education, and Welfare during 1965-68, I am thoroughly familiar with President Johnson's efforts to stimulate the construction and operation of an innovative model nursing home since all of us were appalled at costs and conditions in nursing homes.

Those efforts go back at least to 1966 (if not earlier) when President Johnson began urging us in the Department of Health, Education and Welfare to develop a model Geriatric Center in this country with modern research capability which would include

nursing home facilities and housing for the elderly. I brought one of the most distinguished experts in this field from England, Dr. Lionel Cosin, to meet with the President and myself in order to plan a nursing home program which among other things, would help to rehabilitate persons for self-care.

In 1968, when the tract of federal land in Austin became available, it seemed like a stroke of good fortune to try and utilize it for a nursing home experimental project. This land had originally been purchased by the City of Austin 30 years before for \$11,000. At that time the then Congressman Lyndon B. Johnson prevailed upon the city to give this land to the federal government for use as a fish hatchery.

In 1968, the Department of the Interior in two separate actions, found this land to be excess to its needs. In August 1968, the first portion of this tract of federal land to be declared excess was used to construct model low-cost housing. The second portion of this land which was declared excess involved the remaining 26 acres, on which it was decided to build the modern geriatric center.

Originally the plan was for the University of Texas to operate the experimental nursing home. Because of legal limitations, the University of Texas was unable to finance and operate a nursing home and therefore was unable to accept the land. Therefore, a non-profit public corporation was formed for this purpose. The three directors of that corporation during its organizational phase were Frank Erwin, chairman of the board of regents of the University of Texas system; Roy Butler, president of the Austin school board; and John Burns, president of the City National Bank of Austin and a member of the Austin Public Housing Authority. (J. C. Kellam signed the original papers as director but resigned after three days and was replaced by John Burns.)

The Interior Department declared the land "excess" in late 1968. This "excess" property was declared "surplus" property shortly thereafter, a legal act solely and fully within the authority of the Administrator of the General Services Administration.

Under the law, the Administrator "in his discretion" assigned this surplus property to the Secretary of HEW for health purposes including research. This was perfectly appropriate, since the law places total discretion in the Administrator. At that time, the Administrator of GSA and his deputy indicated that there was ample precedent for such action without regard to the 30-day waiting period.

Under the law, the Secretary of HEW in fixing the value of property "shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property . . ." As is common in such cases where property is to be used for schools, hospitals, or nursing homes, I directed that the property be donated under this provision to the public non-profit corporation with every expectation that with the full cooperation of the University of Texas, the research results which would accrue to the people of the United States would be many times the value of the property.

The organization which received the land was a non-profit public corporation, to be qualified under the Internal Revenue Code and to become a tax supported institution under state law.

The salient points to remember are: (1) No one that I know of stands to make any profit out of this institution. The only beneficiaries will be the elderly poor in Austin and all those throughout the nation who will benefit from the demonstration and research work performed there; (2) this project was the culmination of many months of effort and many attempts to build an innovative geriatric nursing home center in this country; (3) Austin was selected because the surplus federal property became available, and

similar property in the District of Columbia was not able to be used.

There is nothing "unlawful" about the means used. There is nothing "under cover" or "concealed" about this transaction. The deed was filed of public record in Austin. The only "irregularity" may be that the wheels of bureaucracy were pressed to move at a pace that most of us interested in promoting the economy and efficiency of medical service would hope they would move more frequently.

WILBUR J. COHEN,  
Dean, School of Education, University of  
Michigan.  
ANN ARBOR.

#### POW'S—WHEN U.N. DEFAULTS, WHO PROTECTS?

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. RARICK. Mr. Speaker, as a former prisoner of war I grow increasingly distressed at the obvious abandonment by our Government of the Americans now in the hands of the enemy in North Vietnam.

In war there is no substitute for victory. There is no other means by which men held by the enemy can be recovered or even identified. To publicly announce that we do not seek victory leaves these Americans available to the enemy for trading purposes.

I have previously objected to the position in which we placed the wives and mothers of our men held captive by the enemy. It is unconscionable that we should permit them to be exposed to the heartbreak and pressures of dealing with the enemy's representatives in this country in a desperate effort to protect their men, abandoned by their Government.

I include in my remarks a recent letter from the Department of State outlining the official position of the administration on the question of Americans held captive. That position amounts to nothing more than the statement that we will keep complaining and that perhaps something will happen.

I also include as part of my remarks last week's news clippings pointing out that the Pathet Lao, guerrillas in their own country, claim to hold 158 American prisoners. Their captives are characterized as "war criminals," following the Red party line.

On the same day, responding to the pleas of an American woman in the United Nations, the official Soviet representative supported the Red position and asserted the views of his Government that American captives were indeed war criminals and not entitled to the benefits of the Geneva Convention.

Mr. Speaker, Americans are asking why we do not win the war in Vietnam, free the Americans held captive, and then bring all Americans home.

Just as there has been no end to Korea, there can be no end to Vietnam unless our people demand their leaders repeal the U.N.O. Participation Act, or we breach our allegiance to that organization.

There is no chance of getting our country out of the United Nations—unless people have knowledge of the facts. But, the controlled news media—with their much touted "people have a right to know"—are determined that the people not be fully informed.

The mentioned news articles and letter from State follow:

DEPARTMENT OF STATE,  
Washington, D.C., September 2, 1969.  
DR. WILLIAM DUBSON BACON,  
Seattle, Wash.

DEAR DR. BACON: President Nixon has asked me to reply to your thoughtful comments on American prisoners of war. I share the President's interest in knowing the opinions of the American people.

With regard to the men listed as missing and unaccounted for at the end of the Korean hostilities, neither the Department of Defense nor the Department of State has ever received any reliable information or intelligence to indicate that any may be alive and held prisoner by the Soviet Union, the Chinese Communists, or the North Koreans.

After the Korean hostilities ended, the communist side failed to give a satisfactory accounting for 944 United States servicemen who we believed might at one time have been alive in the hands of communist forces. The number of Americans missing and unaccounted for was later reduced to 389, largely through the efforts of our Graves Registration units working in Korea. In the absence of any evidence that any of the 389 men might be alive, the Department of Defense made a finding of presumptive death for each of them. This action was necessary in order to settle estates and to pay insurance and other benefits to survivors.

Although the Chinese Communists and the North Korean Communists are obligated, under the terms of the Military Armistice Agreement, to provide an accounting as to the fate of these men, they have failed to do so. The Department of Defense and the Department of State continue to seek this accounting. The United States representatives at the Ambassadorial-level talks with the Chinese Communists, which were first held at Geneva and later at Warsaw, have pressed the Chinese for this information, and the United Nations Command representatives have pressed the question at meetings of the Military Armistice Commission in Panmunjom. We have also sought information through all other available channels, including the Central Tracing Agency of the International Committee of the Red Cross, but without result. Despite the negative response from the Communist side, we shall continue our efforts to obtain a satisfactory accounting.

The only two American military personnel we know to be held by the Chinese Communists are Philip E. Smith, a major in the Air Force, who has been held since 1965, and Robert J. Flynn, a Navy lieutenant held since 1967. The Chinese Communists also hold four American civilians. Over a period of years this Government has sought by every feasible means to obtain the release of these Americans. Our efforts have included the intercession of friendly countries having representatives in Peking, mediation by international organizations, and assistance in private appeals by influential individuals. Since 1955 we have brought the subject up directly with the Chinese Communists in the Ambassadorial-level talks. Three of the prisoners, John T. Downey, Richard G. Fecteau and Hugh F. Redmond, were already in prison at the time we and the Chinese Communists made an agreed announcement on the repatriation of nationals, and these three should have been released by the Chinese under that arrangement. We have made this point repeatedly to the Chinese over the

years, but they have maintained that as "criminals," these three should not be treated the same as other U.S. nationals who were repatriated.

In the years since 1955, we have kept pressing the Chinese about the release of these men, and then later about the release of the fourth civilian, Bishop James E. Walsh, and Major Smith and Lieutenant Flynn. The Chinese have thus far failed to respond to any of the approaches made to them, but I can assure you that we are continuing and will continue to press them to release the Americans. We have also repeatedly sought information from Communist China about certain other U.S. military personnel who are listed as missing.

Our Government is fully committed at the highest levels to doing everything possible to aid our prisoners of war, to achieve their early release and, in the meanwhile, to press the enemy to provide names of prisoners, to permit them to communicate with their families, and to allow them to be visited by International Red Cross representatives. Under Secretary of State Richardson has been designated to supervise our efforts on behalf of our prisoners in Southeast Asia. Ambassador Lodge, who heads our delegation in Paris, is using every possible opportunity to press North Viet-Nam on this issue.

Secretary Rogers has spoken out repeatedly on this subject. At his June 5 press conference he called on the communist leaders to provide a list of names of our prisoners, terming this a "simple civilized requirement which would mean so much to the wives and families of the men who are missing in combat." Before the House Foreign Affairs Committee on July 17 he called North Viet-Nam's attitude towards our prisoners "inhumane and inexcusable."

We have repeatedly tried to interest Hanoi in discussing the subject of our prisoners, both directly, in the Paris talks, and through other channels. Far from showing interest in the release or exchange of prisoners, Hanoi has refused to comply with the basic provisions of the Geneva Prisoner of War Convention of 1949 in such matters as providing names of prisoners, allowing them to correspond with their families, and allowing them to be visited by Red Cross representatives. North Viet-Nam's negotiator in Paris, Xuan Thuy, said on May 20 that his government would "never" release a list of captured pilots as long as the war continued.

In the Paris meeting of May 22 Ambassador Lodge sharply criticized Xuan Thuy's unreasonable attitude on prisoners in the following terms: "It is difficult to understand how you can claim to be treating our prisoners humanely when you refuse to identify the prisoners you hold so that their families can know the fate of their relatives. You refuse to permit regular mail exchanges. You reject impartial international observation of conditions under which prisoners are held. You refuse to discuss release of sick and wounded prisoners. Yet these are basic elements of humanitarian treatment under established international standards. We do not see how you can be hurt by merely publishing the names of those who are alive so that the uncertainty which their families feel may be ended. To express myself for a moment in human terms instead of the language of diplomacy, what is involved here is the prisoner's wife who does not know whether her husband is alive or whether he is dead. It is really hard to believe that the security of North Viet-Nam would be threatened if this wife were told the truth about her husband's fate. We hope you will reconsider your attitude on these questions so that it will truly reflect the humane policy which you claim to follow."

President Nixon, in presenting his comprehensive program for peace to the nation on May 14, called for "the earliest possible release of prisoners of war on both sides."

He is aware of the anguish that the families of our prisoners are living with and has pledged to do all he can to achieve that goal.

Please be assured that our efforts on behalf of our men will continue and that we will not rest until all the prisoners are released and the fullest possible accounting is received of the missing.

Sincerely yours,

RICHARD I. PHILLIPS,  
Acting Assistant Secretary for Public  
Affairs.

[From the Washington Post, Nov. 13, 1969]  
SOVIETS DESCRIBE AMERICAN PILOTS CAPTURED  
BY HANOI AS "PIRATES"  
(By Robert H. Estabrook)

UNITED NATIONS, November 12.—Soviet Union declared tonight that Americans detained by North Vietnam are "air pirates," and are not entitled to the protection of the Geneva Convention on prisoners and "should not be given any mercy."

This assertion by Soviet representative Nikolai Tarassov came at the end of a bitter debate in the General Assembly Social Committee in which Algeria and Cuba defended North Vietnam's treatment of American prisoners. The United States recalled that it had intervened on behalf of Algerian prisoners in 1959.

Algerian delegate M'hammed Yazid argued that North Vietnam had made a specific reservation about "war criminals" in its adherence to the 1949 Geneva Convention. The United States, he said, is fighting "one of the cruelest colonial wars of our times."

He disputed U.S. representative Rita Hauser, who had urged United Nations members yesterday to press Hanoi to allow representatives of the League of Red Cross Societies access to the prisoners. She alleged that many of the prisoners, estimated to number as many as 1,400, had been mistreated.

Mrs. Hauser replied tonight that the United States had "responded to a human demand and she cited evidence of torture of Algerian prisoners during the 1958-1962 war with France. The United States was largely responsible, she said, for a petition asking U.N. distribution of an International Red Cross report on conditions in French prison camps in Algeria.

But Yazid rejected the comparison. Earlier he had cited a report by the North Vietnamese Red Cross stating that the government had followed an "exemplary" policy on prisoners. Cuba accused the United States of pressing "imaginary" charges.

Today's debate was on questions of human rights and included heated exchanges between Arab countries and Israel, as well as references to persecution of Soviet intellectuals.

[From the Washington Post, Nov. 12, 1969]  
REDS SAY THEY HOLD 158 GI'S PRISONERS IN  
LAOS

A Laotian Communist official said yesterday that his forces were holding 158 American airmen as prisoners and repeated a threat that they would be tried as war criminals.

The official, South Petras, displayed a list of American names in Vientiane and said it included 51 men whose planes were shot down over Laos last year and 41 who were captured between January and June of this year.

Official sources in Washington, however, were skeptical that the Pathet Laos, as the Laotian Communists are called, have as many as 158 American prisoners. The sources estimate the figure at less than half of that, believing that most of the U.S. airmen who have disappeared on missions over Laos either died immediately in crashes or succumbed later of injuries.

Observers in Washington pointed out that

the number of men involved offers further confirmation that U.S. air operations in Laos are much more extensive than had been officially acknowledged.

The United States has said officially only that American planes, at the request of the Laotian government, make "reconnaissance" flights over that country. For several years, however, American aircraft have been making bombing raids against Vietnamese Communist supply lines through eastern Laos and providing tactical air support for government troops in battles with the Pathet Laos.

In his meeting with newsmen, Soth Petras said, "The United States and Laos have never formally declared war and therefore there will be no prisoners. They will be tried by a Laotian people's court as criminals."

This threat has been made before, but there is no evidence it has ever been carried out.

For the first time, Soth said he would make efforts to forward letters and telegrams sent him by the relatives of American prisoners.

#### OKINAWA TRADE AND MORALITY

### HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. VANIK. Mr. Speaker, today, Prime Minister Sato of Japan is conferring with President Nixon and American officials on the transfer of Okinawa to Japan. His political future is reported to be related to the degree of success which he achieves on this mission.

Among the issues to be resolved are the reservation of rights to American military bases and the deployment of American nuclear weapons on the island chain.

High on the agenda are American-Japanese trade discussions relating to efforts to limit Japanese exports of textiles, steel products, and automobiles. Also involved are efforts to compel the Japanese to agree to American capital investment in Japan, particularly in the automobile, textile, and steelmaking industry.

On October 15, 1969, the Washington Post reported that American negotiators had pressured the Japanese to lower its barriers against investment by American automakers as part of an agreement for the return of Okinawa.

There is no doubt that the Japanese have outmaneuvered America in developing a favorable trade balance based on the invasion of American markets while skillfully restricting the importation of competitive American products. These issues of fair trade should be bargained out at an appropriate forum.

But the Ryukyu Islands and all of their people should not be the pawns of trade and investment negotiations. If there is one lesson we have learned from our misadventure in Vietnam, it is the need for morality in our foreign policy.

I fought the Japanese in Okinawa. I saw my friends killed in that dreadful conflict. I was part of a force of liberators—who sought to free the Okinawans from the Japanese, their previous liberators.

I have no quarrel with turning Oki-

nawa over to the Japanese if that is what the people of Okinawa want. Their wishes are far more significant than those of either Premier Sato or our own Government. But in no event should we bargain off Okinawa and all of its people for a special trade or investment deal. The American blood which was spilled on Okinawa was not given to provide an investment opportunity for either General Motors, Ford, or Chrysler.

#### FORGING A STRATEGY FOR PEACE AND FREEDOM

### HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. RIVERS. Mr. Speaker, one of the moving forces to organize the ceremonies on Veterans Day at the Washington Monument, November 11, 1969, was the distinguished gentleman from Virginia, the Honorable JOHN O. MARSH, JR. A vast throng, exceeding 15,000, came out to pay homage to our veterans—living and dead—who fought to keep America free. Moreover, these ceremonies were also conceived for demonstrating to the President of the United States the backing of the American people for his leadership during these trying hours we face at home and in Vietnam and other parts of the world. Mr. Speaker, it is imperative that America stand united against the common enemy, lest we lose the freedoms we possess. Mr. Speaker, we cannot stand divided before the world.

In his magnificent address to America—over TV and radio and to the assembled throng—Mr. MARSH delivered an oration titled "Forging a Strategy for Peace and Freedom." I include this address as part of my remarks to be included in the Extensions of Remarks of the RECORD for present and future generations to read and to admire:

FORGING A STRATEGY FOR PEACE AND FREEDOM  
(By Representative JOHN O. MARSH, JR.)

On July 4, 1918, Woodrow Wilson said:

"What we seek is the reign of law, based upon the consent of the governed and sustained by the organized opinion of mankind."

The year before, he said:

"The world must be made safe for democracy."

As a step toward that goal, just over a half century ago—on the 11th hour of the 11th day of the 11th month, peace came to the Western Front, and the war to end wars had ended.

Men of the A.E.F. emerged from the trenches to the strange silence of the battlefield. The air was clear and still without the sounds of war. Gone was the chatter of the machine gun and the rumbling of artillery.

Behind them was the Argonne Forest, its trees torn and twisted by gunshot as Americans clawed their way to the Armistice of November.

Behind them was Belleau Wood—and Chateau-Thierry—Behind them was pain and suffering and the horror of war—Behind them were victories and valor.

Behind them slept forever, slept tens of thousands of soldiers of the A.E.F.

For them, the Fields of Flanders would become their home—For them, in countless

towns and cities, plaques and monuments would enshrine their memory—For them there would be memorials, but no homecoming—For them there would be tribute, but no ticker tape parade.

For them—for decades, school children in a moment's silence on the 11th hour of the 11th day of the 11th month remembered them and the Argonne, and Belleau Wood and Chateau-Thierry. Because they knew those who had died in France had died to make the world safe for democracy.

That was not a cynic's hope.

The architect of the allied victory was a former University President and Professor, a liberal and the first member of the Party of Jefferson to be elected President in the Twentieth Century.

As members of the Party of Lincoln urged support of Wilson in the prosecution of that war, I urge support of the President today.

World War I was a watershed in our national life. Its currents swept us onto the international scene. Yet secure behind our ocean barriers, America resisted those currents and turned inward. Consequently, another generation of Americans reaped the bitter harvest sown at Versailles—would die again in the Fields of Flanders—would fight again across the No-Man's Land where their fathers had fought.

Today there are those who would again have us turn to the old paths of isolation, who believe a new road to peace and world security can be found by non-involvement. This view is surprisingly like that of a "for-tress America," urged upon us in the 1930's, and availed us naught when World War II crashed upon us.

It is one of the ironies of history that the times exact from each generation a special measure. As some men pay a greater price, so some nations bear a heavier burden. The "times that try men's souls" of which Thomas Paine would write in the Revolution continue to challenge us in the evolution of the American Experiment.

America has always with reluctance resorted to force of arms. Each time, our President has had to bear the indictment that it is his conflict. Yet history tells us that no war has been a President's war. The Civil War was not Lincoln's, nor World War I Wilson's, nor the present one Nixon's. Yet, no President, including Lincoln, during their term of office have ever enjoyed the vindication of history.

Each President has had to wage his own battle for the hearts and minds of his people. That battle is now joined. The terrain of public opinion is not just the rice paddies of the delta, the coasts washed by the South China Sea or Montagnard Village in the Ammanite Mountains. Today the major battleground for the hearts and minds of the people is the prairies of our own Midwest. It is along our own coasts and in the rolling foothills of the Blue Ridge and the mountain towns of Appalachia.

I suggest the President forge a strategy for freedom.

1. I urge that the President and those members of his official family charged with prosecution of the war, brief the American people on the geo-political significance of Southeast Asia and the vital part that it plays not only to American interests, but the cause of a free and stable world.

2. Secondly, I urge the President to assist in providing ways and means for those interested in helping the national effort to participate in meaningful ways to show their support. I suggest some mechanism for assistance to civic action projects conducted in the private sector which would enable our people to have a greater involvement with areas in which our forces are committed.

As in crises in the past, the American people are not interested in Party, but in principle. They care little for political advantage. They want a partnership of parties

for the national interest rather than the partisanship of political advantage for either of our national parties.

The silent majority must become the voice of the nation. This does not mean abandonment of dissent—nor no longer striving for national goals—or surrendering the commitment to build a better nation.

That men should have differences of opinion and speak out when they favor different courses of action is the history of our Republic and our heritage to the world. But in our pursuit of dissent, let us not neglect our duty to those who serve our country in the field, nor abandon those who have fallen into enemy hands.

Let us not blind ourselves to reason, nor close our eyes to fact. Men of differing opinion must be ever mindful there are nations who believe that might does make right; nations whose weapons include assassination, kidnapping and terror; nations that have tried to mute the voices of dissent by the gas chambers of Buchenwald, by the use of armor in Czechoslovakia or by mass graves in Hue.

I do not believe that our fellow citizens want the terrain of American public opinion surrendered to a vocal minority. Neither do I believe they want the President's hands tied on decisions of this war—decisions which affect their lives and their fortunes, and the prospects for a peace that will enable not only our own, but other peoples of this earth, to pursue happiness.

It was Wilson's dream to make the world safe for democracy. I do not believe that the dream of Wilson is an impossible dream, nor do I believe that man's search for peace need be an endless search, any more than I believe that youths hope for a better world is an idle hope.

The dream of Wilson, and man's search for peace, and the hope of youth is the common heritage of all mankind. Let us make this heritage our common cause. Let us reconcile our differences for the common good. Let us prove as we stand near the anniversary of the 200th year of our nation's birth that this nation is truly the best hope of free men.

Let us show that the cause of human Freedom is still America's cause—and in this cause, with God's help, we shall prevail.

#### REGISTRATION NO LONGER NEEDED TO BUY RIFLE AND SHOTGUN AMMUNITION

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. FISH. Mr. Speaker, today the House has taken the last step necessary to eliminate the most odious and distasteful portion of the Gun Control Act of 1968. The House today took final action on the bill to be provided on extension of the interest equalization tax which included the elimination of the registration requirements for those who buy rifle and shotgun ammunition.

For those of us who have sought to amend the Gun Control Act of 1968 to eliminate the requirement for record-keeping with regard to sales of rifle and shotgun ammunition. Victory is now here. This will relieve shopkeepers and firearms dealers of a large administrative burden, and remove from hunters and sportsmen the feeling that, by having to register, they are criminals.

There is no evidence that this book-keeping has contributed to public safety. The ammunition is used in sporting firearms.

The lawful use of firearms for hunting and recreation is a way of life for many. The provision in the present law for keeping records of the purchase of shotgun and rifle ammunition is an irritating nuisance for the purchaser.

Months ago I introduced an amendment to remove these provisions from the Gun Control Act and I am delighted that the House has taken final action on a measure to accomplish the purpose of my bill.

I have supported action in this direction for a long time. Yesterday I voted for a conference with the Senate on this bill with the understanding that the conference would agree to this ammunition provision.

I am most happy that the conferees did keep this provision intact.

#### ENCROACHMENT OF EXECUTIVE THREATENS LAW-MAKING ROLE OF CONGRESS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. ASHBROOK. Mr. Speaker, many commentators are expressing alarm over the dangerous misuse of the power of the executive branch to bypass the legislative process—and at times to expressly contravene the clear intent of Congress through the use of Executive orders. I share their concern.

One of the premises upon which the Civil Rights Act of 1964 was adopted was that Federal administrators would not try to impose quotas for racial employment. In fact, the original House bill contained language expressly sanctioning the Executive's use of the contract power to achieve equal employment opportunity, but this section was eliminated by an amendment on the House floor. This action and the plain words of title VII make it clear that the Congress intended only to impose the obligation not to discriminate. We expressly rejected language which would have imposed an obligation to take affirmative action to correct "racial imbalance" in schools and employment.

The Civil Rights Act of 1964 was the result of vigorous debate and legislative compromise. By comparison, Executive Order 11246, issued by President Johnson in 1965 and cited as the authority for the Philadelphia plan, is the product of unilateral Executive judgment. The plan's requirement that certain Government contractors meet prescribed racial employment quotas—and no one is fooled by the administration's persistent refusal to use the word—is yet another example of the over-reaching use of Executive power. The administration is attempting to achieve objectives beyond those contemplated by the statute by means expressly prohibited by the statute.

As columnist Richard Wilson recently put it:

It is quite surprising that this would happen in the Nixon administration which is so concerned with the rule of law and the judicious exercise of executive power. Such arbitrary actions were in the past more typical of "strong" Democratic presidencies bent on overriding Congress or any other opposition to their style of reform.

It was supposed that this kind of government had been so thoroughly discredited during the New Deal that it would not be seen again. But there is no restraining the bureaucratic zeal of administrators with their own concepts of reform, and they are now doing exactly what the leading proponents of the Civil Rights Act, including then Sen. Hubert Humphrey, so fervently pledged Congress that they would not do.

I am inserting at this point in the RECORD a pertinent article from the November 1969 issue of the American Bar Association Journal which examines the use of the contract power by the Executive, as exemplified by Executive Order 11246. The article wisely points out that the Congress should not "stand on the sidelines" and allow this proliferating Executive encroachment. I commend it to the attention of my colleagues:

EXECUTIVE ORDER 11246: EXECUTIVE ENCROACHMENT

(By James E. Remmert)

The Civil Rights Act of 1964 was made the law of the land amidst great controversy, extended debate and considerable compromise. With far less controversy or compromise and with no Congressional debate, President Johnson on September 24, 1965, signed Executive Order 11246, the latest in a series that has played at least as significant a role in implementing the objective of equal employment opportunity as has Title VII of the 1964 Civil Rights Act. Section 202(1) of this executive order, as amended, requires that every employer who is awarded a Government contract or subcontract that is not exempted by the Secretary of Labor must contractually undertake the obligation not to "discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin".

Since Title VII of the 1964 Civil Rights Act had to endure the rigors of passing both houses of Congress, it is the product of compromise attendant upon the legislative process. Executive Order 11246, by comparison, was the responsibility of only the President. Consequently, it imposes much broader substantive obligations, and the procedure adopted for its enforcement conveys to the enforcing agency significantly more authority than was given to the Equal Employment Opportunity Commission by the 1964 Civil Rights Act.

Evidence of the broader substantive obligation imposed by Executive Order 11246 is the fact that Title VII imposes only the obligation *not* to do that which is prohibited, i.e., discriminate on the basis of race, color, religion, sex or national origin. By comparison, Executive Order 11246 not only requires that Government contractors and subcontractors not discriminate but also that they "take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, or national origin [Section 201(1); emphasis supplied]". Regulations issued by Secretary of Labor Willard Wirtz under authority of Executive Order 11246 further require that Government contractors and subcontractors develop a "written affirmative action compliance program" documenting the steps they have

taken and setting goals and timetables for additional steps to fulfill the "affirmative action" obligation. The submission of these written programs has also been imposed as a prerequisite to the award of some Government contracts. However, on November 16, 1968, Comptroller General Elmer B. Staats ruled that "until provision is made for informing bidders of definite minimum requirements to be met by the bidder's program and any other standards or criteria by which the acceptability of such program would be judged", contract awards must be made to the lowest eligible bidder without reference to the affirmative action program.

PRESIDENT SIMPLY TOOK POWER THAT CONGRESS WOULDN'T GIVE

That the Executive was willing to assume by executive order significantly greater enforcement authority than Congress was willing to convey to it can be seen by comparing the adjudicatory processes under Title VII and Executive Order 11246. If an employer disagrees with the Equal Employment Opportunity Commission over the legal requirements imposed by Title VII, or if the employer is unable to comply with the remedies proposed by the commission to rectify a discriminatory practice, he may have traditional recourse through the judicial process before any sanction is imposed. To the contrary, however, the regulations issued by Secretary of Labor Wirtz for the administration of Executive Order 11246 provide that upon request for a hearing to adjudicate a contractor's or subcontractor's compliance with the executive order, the Secretary of Labor's designee may suspend all contracts or subcontracts held by the employer pending the outcome of the hearing. In addition, as a part of the adjudicatory process, the agency responsible for investigating or supervising the investigation of a contractor's compliance and prosecuting those contractors alleged to be in noncompliance is also responsible for imposing the sanctions of cancellation and suspension from participation in Government contracts. In other words, the chief investigator, prosecutor and final judge with respect to cancellation and suspension of Government contracts is the Department of Labor.

WITH THE CONTRACT POWER, WHO NEEDS CONGRESS?

These substantive and procedural contrasts between Title VII of the 1964 Civil Rights Act and Executive Order 11246 illustrate the considerable power that the Executive can acquire by pursuing a social objective through the use of the contract power in addition to or in place of legislation. Such broad and sweeping powers are premised on the concept that the Federal Government has the "unrestricted power . . . to determine those with whom it will deal, and to fix the terms and conditions upon which it will make needed purchases".<sup>8</sup> This power is founded on the premise that in the absence of a Congressional prohibition or directive the Executive branch is free to enter into contracts on whatever conditions and provisions are deemed to promote the best interests of the Government.<sup>9</sup>

Without question, Executive Order 11246 has done much to advance the cause of equal employment opportunity, because the Federal Government's bargaining position enables the Executive to require such terms as are found in this order as a condition to a United States Government contract. Once such a broad and sweeping obligation is accepted, the accepting contractor or subcontractor is in an untenable position to oppose steps that are required by the administering agency with respect to the conditions covered by the contract.

To illustrate the impact of this use of the Executive's contract power, one need only consider a list of the top 100 corporations and institutions holding Defense De-

partment contracts.<sup>8</sup> These corporations are understandably some of the largest in the United States and collectively employ well over ten million persons. Even though the list does not include contractors with any department other than Defense or the many subcontractors involved in Defense Department prime contracts, it aptly illustrates the significant indirect control which the Executive can exert over the private sector of the economy by use of the contract power.

There is very little case law deciding the extent to which the President may by executive order impose ancillary conditions to Government contracts. Some have questioned the validity of Executive Order 11246 on the ground that the Executive does not have the authority to impose conditions that are unrelated to the purposes for which Congress appropriated funds<sup>9</sup> and on the basis that the affirmative action obligation conflicts with provisions in the 1964 Civil Rights Act. These provide that preferential treatment on the basis of race, color, religion, sex or national origin is not required to correct an imbalance.<sup>10</sup> However, at least one federal district court<sup>11</sup> and two United States courts of appeals<sup>12</sup> have said that Executive Order 11246 has the full force and effect of statutory law. If these courts are correct, and the order is a valid exercise of the Executive's contract power, then some examination of the potential extension of this power is in order.

Although the writer is unaware of any publication listing all firms holding competitively bid or negotiated United States Government contracts or subcontracts, it is the writer's belief that the vast majority of the major commercial enterprises in this country and a great many not-for-profit institutions and smaller commercial enterprises hold one or more Government contracts or subcontracts. Consider, for example, the diverse scope of the organizations holding Government research grants, the utilities and communications services used by federal installations, the dependence of such industries as automotive, aircraft, shipbuilding and munitions on Government contracts, the heavy reliance of the construction industry on such programs as urban renewal and highway construction sponsored by federal funding, and the entrenchment of United States Government financing and deposits as a factor the financial institutions throughout the country.

WHERE DOES THIS PRECEDENT LEAD?

Consideration should also be given to some of the possible future applications of the concept behind Executive Order 11246. The contract power could be used to circumvent the intrastate-interstate dichotomy that has to some extent precluded complete pre-eminence of the Federal Government in such fields as air and water pollution control, regulation of common carriers and labor relations. One extension already suggested by the AFL-CIO is the debarment of Government contractors found to have committed flagrant unfair labor practices.

Another avenue for extension of the Executive's contract power is in areas within federal jurisdiction but which Congress has left unregulated or has regulated only to a lesser extent than that deemed desirable by the Executive. An example of this use of the contract power is found in Executive Order 11246. In enacting Title VII of the 1964 Civil Rights Act, the Congressional consensus was that the prohibition against discrimination on the basis of race, color, religion, sex and national origin was sufficient to accomplish the objective of eliminating employment discrimination on such bases.

The Executive, however, felt that the then-existing executive order prohibiting discrimination by Government contractors did not go far enough in dealing with the objective of equal employment opportunity,

and thus the affirmative action obligation was added to place a greater responsibility on Government contractors.

By using the contract power, the Executive could accomplish many objectives deemed desirable without using the legislative process so long as the particular contract clause does not conflict directly with a federal statute. Thus, this technique affords the Executive a limited bypass of the legislative process and gives it the power to give its objective "the force and effect given to a statute enacted by Congress"<sup>12</sup> without the concurrence of Congress.

Several questions should be answered before this procedure proliferates. The first is whether the concentration of this power in the hands of the Executive is desirable in view of the fact that it allows the President to carry an objective into effect without resort to the legislative process established by the Constitution. In this connection, it is significant to note that Congress considered sanctioning the Executive's use of the contract power to achieve equal employment opportunity but rejected the idea. The original House bill (H.R. 7152) that eventually became the 1964 Civil Rights Act, after numerous amendments, contained a Section 711(b), which read as follows:

The President is authorized to take such action as may be appropriate to prevent the committing or continuing of an unlawful employment practice by a person in connection with the performance of a contract with an agency or instrumentality of the United States.

During the consideration of H.R. 7152 by the House, Congressman Emanuel Celler (D. N.Y.) sponsored an amendment to eliminate this section of the bill. The amendment was accepted by the House, and in the course of the discussion Congressman John Dowdy (D. Tex.) voiced the view that, "Many of us have felt section 711 to be a highly dangerous section of the bill and accordingly much of our debate has been predicated upon the fact that this language should be removed."<sup>14</sup>

With reference to Executive Order 11,246, it has been argued that although this use of the contract power is extraordinary the need for equal employment opportunity justifies this departure from traditional concepts. Those who would rush to the conclusion that the cause of equal employment opportunity does justify a departure from the legislative process would do well to remember that the sword of Executive power cuts in two directions. Thus, the first question that should be considered in connection with Executive Order 11,246 is not whether equal employment opportunity should be pursued but whether this means is consistent with the basic framework and power balance with which our form of government has successfully endured innumerable crises over the last two centuries.

#### HISTORY THAT SHOULD BE REPEATED

At another time in our nation's history, the Supreme Court had occasion to consider whether a crisis of similar magnitude justified an expansion of Executive power. In holding that President Truman's executive order seizing the steel mills during the Korean conflict was unconstitutional despite the pending emergency, Justice Douglas in a concurring opinion gave the sage advice that:

The language of the Constitution is not ambiguous or qualified. It places not some legislative power in the Congress; Article I, Section 1 says "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Today a kindly President uses the seizure power to effect a wage increase and to keep the steel furnaces in production. Yet tomorrow another President might use the same power to prevent a wage increase, to

curb trade-unionists, to regiment labor as oppressively as industry thinks it has been regimented by this seizure.<sup>15</sup>

In a separate concurring opinion in the same case, Justice Jackson expressed a similar view concerning the overreaching use of Executive power that is highly relevant and appropriate to the concept behind Executive Order 11,246:

The opinions of judges, no less than executives and publicists, often suffer the infirmity of confusing the issue of a power's validity with the cause it is invoked to promote, of confounding the permanent executive office with its temporary occupant. The tendency is strong to emphasize transient results upon policies—such as wages or stabilization—and lose sight of enduring consequences upon the balanced power structure of our Republic.<sup>16</sup>

#### CONGRESS DOES NOT BELONG ON THE SIDELINES

Congress should give thoughtful consideration to and develop a considered national policy on the use of the contract power exemplified by Executive Order 11,246 rather than stand on the sidelines and allow its proliferation without Congressional guidance. Congress should decide the kind of contracts and the kind of ancillary obligations that it will allow the Executive to impose in disbursing the funds that Congress appropriates. A mechanism should be established that will insure a legislative watchdog over the Executive's use of the contract power and will allow the Executive sufficient flexibility to administer efficiently the disbursement of Congressional appropriations.

With specific reference to Executive Order 11,246, Congress should eliminate the double standard that now exists between employers generally, who are required not to discriminate by Title VII of the 1964 Civil Rights Act, and employers who, as Government contractors, are subject to a different standard and a different enforcement procedure in measuring their compliance with the obligation. The identical obligation imposed by Title VII of the 1964 Civil Rights Act should apply, procedurally, substantively and with equal vigor to Government contractors without reference to the extraordinary obligation to take "affirmative action". There is no justification for the multiplicity of government agencies enforcing Title VII of the 1964 Civil Rights Act and Executive Order 11,246. At present, the Equal Employment Opportunity Commission, the Office of Federal Contract Compliance and every agency that awards Government contracts are all involved in enforcement activities. This duplication has produced inconsistent enforcement standards, confusion and a wasteful use of Government manpower and resources.

Congress should immediately take appropriate steps properly to realign Congressional and Executive authority, and in doing so it might well consider some further words from Justice Jackson's concurring opinion in *Youngstown Sheet & Tube Company v. Sawyer*. In referring to the overextended use of the executive order, Justice Jackson said:

Such power either has no beginning or it has no end. If it exists, it need submit to no legal restraint. I am not alarmed that it would plunge us straightway into dictatorship, but it is at least a step in that wrong direction.

With all its defects, delays and inconveniences, men have discovered no technique for long preserving free government except that the Executive be under the law, and that the law be made by parliamentary deliberations.<sup>17</sup>

#### FOOTNOTES

<sup>12</sup> 42 U.S.C., § 2000c.

<sup>13</sup> 41 C.F.R. § 60-1.40.

<sup>14</sup> Comptroller General's Letter B-163026.

<sup>15</sup> 41 C.F.R. § 60-1.26(b) (2) (iii).

<sup>16</sup> 41 C.F.R. § 60-1.24 and 41 C.F.R. § 60-1.27.

<sup>17</sup> *Perkins v. Lukens Steel*, 310 U.S. 113, at 127 (1940).

<sup>18</sup> *Kern-Limerick v. Scurlock*, 347 U.S. 110 (1954).

<sup>19</sup> TIME, June 28, 1968, at 72.

<sup>20</sup> See Pasley, *The Nondiscrimination Clause in Government Contracts*, 43 VA. L. REV. 837 (1957).

<sup>21</sup> 42 U.S.C. § 200e-2 (j).

<sup>22</sup> *United States v. Local 189, United Paper-makers & Paperworkers*, 282 F. Supp. 39, 43 (E.D. La. 1968).

<sup>23</sup> *Farkas v. Texas Instrument*, 375 F.2d 629, 632 (5th Cir. 1967), and *Farmer v. Philadelphia Electric Company*, 329 F.2d 3, 8 (3d Cir. 1964).

<sup>24</sup> *Farkas v. Texas Instrument*, 375 F.2d at 632.

<sup>25</sup> 110 CONG. REC. 2575 (February 8, 1964).

<sup>26</sup> *Youngstown Sheet & Tube Company's v. Sawyer*, 343 U.S. 579, at 630, 633-634 (1952).

<sup>27</sup> 343 U.S. at 634.

<sup>28</sup> 343 U.S. at 653, 655.

#### DEFERMENTS AND EXEMPTIONS FOR VIETNAM DUTY

#### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. ASHBROOK. Mr. Speaker, in the 17th District of Ohio, we have a family who had four sons. The oldest of these sons, a marine, was killed in Vietnam in 1965. Two years later the second son, a corporal in the Army, lost his life there. Now their third son is being drafted. Should these parents again have to face the threat of losing one more of their sons in Vietnam?

Of course not, but until today this very well could have happened since the Defense Department deferred servicemen from combat duty only for 12 months after another member of their family had died in combat.

Today, however, the Department of Defense announced that any serviceman who had lost one of more members of his family in Vietnam or in the hostile fire zone of Korea would, upon request, be exempted from service in either of these combat zones.

I commend the Defense Department for this long overdue change in policy, which I know will do much to ease the burden on families who have already suffered more than enough.

Along with this change of policy, the Defense Department also clarified their policy on "sole surviving sons." I am sure that most of us have received letters from families asking, "My son is the only one left to carry on the family name and now he has gotten orders for Vietnam. I have heard that he won't have to go to a combat zone. What can be done to keep him in the States?"

Unfortunately, in most cases the answer is "nothing." Rumors and misunderstandings of the sole surviving son policy continue to abound, however, and I hope the inclusion of this policy in the RECORD will be helpful to the many Americans who raise this question.

We are all hoping and praying for a swift and honorable conclusion to the hostilities in Vietnam but I hope that, until such time as a just peace can be effected, this memorandum from the De-

partment of Defense will help answer the many questions asked by the families of our servicemen who have been called to defend this country in Vietnam. The memorandum follows:

**EXEMPTION AND DEFERMENT FROM ASSIGNMENT TO COMBAT AND CERTAIN HOSTILE FIRE AREAS**

**Sole Surviving Sons:** A qualified sole surviving son, as defined below, upon his own application or that of a parent will not be assigned to duties involving actual combat with the enemy. Where the parent applies for his special assignment consideration, it may be waived by the serviceman concerned. The sole surviving son may be assigned to other overseas areas where combat conditions are non-existent.

The sole surviving son of a family is defined as being the only remaining son of a family of which, because of hazards incident to service in the Armed Forces of the United States, the father, or one or more sons or daughters (1) have been killed; (2) have died as a result of wounds, accident or disease; (3) are in a captured or missing-in-action status; (4) are permanently 100% physically disabled (to include 100% mental disability) as determined by the Veterans Administration or one of the military services, and by virtue of such disability are hospitalized on a continuing basis, and not gainfully employed by virtue of such disability.

**Examples:**

a. A family consists of father, mother and two sons—both in the military service. One son is killed in line of duty—the remaining son then qualifies as a sole surviving son.

b. A family consists of father, mother and one son who is in the military service. The father (not a serviceman) dies. The son does not qualify as a sole surviving son.

Deaths and other casualties which form the basis for eligibility for consideration must be, in all cases, directly attributable to military service in the United States Armed Forces.

An only son (or only child) of a family or the last male heir to a family name is not eligible for consideration on that basis alone unless the member is also a qualified sole surviving son as outlined above.

Enlisted members who become qualified sole surviving sons after induction or enlistment into the Armed Forces may apply for an administrative discharge. Favorable consideration will be given. This provision is not applicable during the period of a war or national emergency hereafter declared by the Congress nor does it apply where a family member is captured or missing-in-action.

**Other Exemptions from Combat Assignment:** Where, as a result of serving on or after January 1, 1961 in Vietnam or that portion of Korea designated as a hostile fire zone, a member of a family is killed or dies or is in a captured or missing status or is determined by the Veterans Administration or one of the military services to be 100% physically or mentally disabled, and by virtue of such disability is hospitalized on a continuing basis and not gainfully employed, other members of the same family, upon request, will be exempt from combat assignment or if serving in a combat zone will be reassigned therefrom. Surviving members need not qualify as sole surviving sons.

**Deferment of Duty in Vietnam:** Where one member of a family is serving in Vietnam, another member of the same family, upon his request, will be deferred from reporting to that country until completion of the first member's tour. Where two or more members of the same family are serving in Vietnam, all but one, upon request, will be reassigned from Vietnam.

**General:** A serviceman is considered to be "serving in Vietnam" when (1) assigned to a military or non-rotating naval unit which

is located or based within the geographic boundaries of South Vietnam or (2) serving as an aircrew member assigned either to the 7th Fleet or to an Air Force unit in Thailand and regularly engaged in flying combat missions over Vietnam.

Family units used as a basis for the above policies consist of husband and wife, or father, mother, sons and daughters as defined in Title 37, United States Code. No other relationships such as nephews, cousins, uncles, etc., are considered in the general policies. However, consideration is given on an individual case basis where certain relatives had stood in "loco parentis."

**SPIRO SPELLS IT OUT**

**HON. ROBERT H. MICHEL**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. MICHEL. Mr. Speaker, the national weekly magazines as well as the large metropolitan press have been filled with stories regarding recent speeches by Vice President AGNEW on a variety of issues. An editorial appearing in the November 15, 1969, edition of the Peoria Journal Star presents still another viewpoint and I include it in the RECORD:

**SPIRO SPELLS IT OUT**

Spiro who?

The wise guys of the flicker-box found out "who" Thursday night.

The man stood up in Des Moines, Iowa, and spelled it out, chapter and verse, that "network news" is one-sided, locked into a New York-Washington syndrome that is unnatural and different from the rest of the country. He backed it up with vivid examples and quotations ranging from Walter Lippman to Judge Learned Hand on the subject of the tiny cell of people handling the magic eye.

Agnew hit them so hard that for once they felt they had to put one of Mr. Agnew's speeches on the air and let us all see him in action—instead of just listening to them ridicule him second-hand.

The result was pretty impressive. He was no joke, after all. And no newsman was smiling when reciting the sober statements of self-defense issued with mysterious instantaneousness by all three network presidents.

After one solid year of slander, ridicule, and defamation intended, clearly, to grind Spiro Agnew into nothingness, the networks have found they have a tiger by the tail.

And they seem horrified and stunned that somebody actually talked back to them!

Their efforts to muddy him up totally have turned him into the most sought-after speaker in the United States. They've probably given him a fund-raising capability for the 1970 congressional elections greater than the combined efforts of the opposition party's entire national committee.

And who doesn't like to see the Number One "underdog" of the year finally snap back—with telling effect!

Now, instead of some saloon comic's jokes or Walter Cronkite's unconcealed contempt, it is such as Dr. Frank Stanton, president of CBS, soberly announcing that Agnew's criticism was improper. Stanton's position is that since Agnew holds the over-powering and frightening position of vice president, he shouldn't even open his mouth because his very frightfulness makes it coercive and destroys freedom!

Dr. Stanton must have been rattled by Agnew's item by item criticism, or he rushed

his answer too fast in the standard network effort to stamp on speeches instantly before anyone has time to think.

It is very clear that if the networks have figured all along that as vice president Spiro Agnew could not open his mouth in criticism of them and had to stand silent and defenseless, wow! If that's what they figured during these eight months of heaping unparalleled abuse upon Mr. Agnew, wow! If they figured he couldn't answer and were taking advantage of it to pound him unmercifully with insults, abuse and ridicule, then that is even more shameful than anything he accused them of.

But we don't believe the networks really believed that.

The truth is that they have blatantly advertised for months just how little his position worried them.

It's a little late to start pretending that his position automatically scares the TV industry, now!

If anything has now shaken them it's the facts he recited.

He scored! That's the stinger. And they deserved it.

Their constant unanimity of attitude, the harmonious chorus from bass to tenor all singing the same tune, has given away the game and he called them on it.

They, themselves, have been proving their own small "Inner Circle" approach. They must now take a look at themselves and face the fact that their brain-children all have had the same deformity and are plainly the offspring of intellectual incest.

That is the practice which should be criticized, that needed to be brought to light, and could be done by no man better than their chief "victim."

A "victim" who has lately been standing up and saying a number of things that millions have felt needed to be said. The whole dialogue has been too one-sided, too long.

One man has changed that drastically. And the "nobody" butt for jokes is rapidly becoming a national hero.

**FIRED FOR DOING HIS JOB**

**HON. DAVID R. OBEY**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. OBEY. Mr. Speaker, a man who exposes unwarranted Federal spending should be acclaimed, not kicked out, yet that is what the Air Force has done to A. Ernest Fitzgerald, the efficiency expert who last year unveiled the massive overruns on the C-5A cargo plane.

In a recent editorial, the Milwaukee Journal noted that Fitzgerald's firing raises some basic questions—questions that Senator PROXMIRE's Subcommittee on Economy in Government of the Joint Economic Committee is now trying to answer.

I believe this editorial points out well how ludicrous it is to fire one of the leading waste finders in Federal Government, and I should like to call it to the attention of my colleagues.

The Milwaukee Journal editorial follows:

**FIRED FOR DOING HIS JOB**

The circumstances surrounding the firing of air force efficiency expert A. Ernest Fitzgerald, the man who blew the whistle on the tremendous added costs of the giant C-5A cargo plane, raise some basic questions.

Fitzgerald was told that his \$81,000 job as deputy for management systems had been

eliminated as part of Pentagon efforts to cut costs. The trouble is that Fitzgerald's firing fits to a tee one of the suggestions made to the secretary of the air force last January in a secret memo on how to get rid of Fitzgerald. When the memo was revealed by Sen. Proxmire, to whose committee Fitzgerald made the C-5A revelations, the air force denied it planned any retaliation against the man—even though without explanation his duties shifted from reviewing weapons to checking on bowling alley and mess hall costs.

Proxmire has been consistently outraged over the Fitzgerald case. Now he promises a thorough investigation of the whole situation. It is needed. It is a black day when an official genuinely concerned about the taxpayers' money is pushed into the backwaters of government and finally fired because he earnestly did his job.

### STOP POLLUTION

#### HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, I submit for the CONGRESSIONAL RECORD an excellent and timely guest editorial from the October issue of American County Government magazine. The editorial, entitled "Stop Pollution: Banish Delay and Fund Programs," was written by the Honorable PHILIP J. PHILBIN, a fine dedicated and competent public official.

The editorial follows:

STOP POLLUTION: BANISH DELAY AND FUND PROGRAMS

(By Hon. Philip J. Philbin)

(NOTE.—Congressman Philip J. Philbin is serving his 13th term as U.S. Representative from the third Congressional district of Massachusetts. He is vice chairman of the House Committee on Armed Services, and has been in the forefront in introducing and steering much flood control legislation to successful enactment.)

This Nation is currently visited with pollution of all kinds that is causing the people great concern and making life intolerable and unbearable for many.

Conditions in our rivers, lakes, ponds, and waterways are incredibly filthy. Our streets and public places are littered with refuse, garbage, waste, and filth in many areas. The polluted air of many places in a country where clear water and clean air were once almost universal is now posing one of the most difficult problems we have; namely, keeping our surroundings, our environments, our homes, and public places and areas clean, wholesome, healthful, and free of noisome stench and foul litter.

#### MORE, NOT LESS MONEY

We need large sums of money to carry on the fight against pollution of all kinds, yet on the basis of the reduced budget request of the Administration to implement the Clean Water Restoration Act of 1966, the amount requested was only \$214 million [at this writing raised to \$600 million by the House of Representatives but still short of the \$1 billion originally authorized for fiscal 1970] and only 1,185 communities in the Nation could be assisted. This would leave 3,889 communities without assistance, representing \$2.55 billion of required projects unfunded.

This situation is to be greatly deplored, because it means that we are losing the battle against air pollution, which will increase

and spread pollution conditions in the country.

The film, "Who Killed Lake Erie," has been received with acclaim and enthusiasm by the people, because it emphasizes what the true situation is in some areas and points up the great need we have for appropriate action in Congress, and the urgency of united action on a crash basis by local, state, and federal governments.

There are few things more important that this Congress can do today than to provide the authority and the money to fight against the great evils of polluted air, water, and environment, and I hope and urge prompt action to the crying need for a determined, united massive program to rid the nation and many of its afflicted communities of the evils and baneful effects of pollution in all its obnoxious, injurious manifestations.

#### THE GUEST OF PLAGUE

The fact is, that if we do not respond to pollution eradication appeals and needs very promptly, this country could be visited by deadly plagues, diseases, and human misery such as it has never known or even conceived possible.

Let us have no further delay at local, state, and federal levels; replace inertia with positive action; cut dilatory redtape which is bogging down progress with irrelevant talk and cumbersome planning. In that way, we should be able to banish avoidable delay and get some action in moving and funding necessary anti-pollution programs. This question deserves very high priority and I urge it be so considered.

### VIETNAM IN PERSPECTIVE

#### HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. OTTINGER. Mr. Speaker, the dispute over the very troublesome issue of the war in Vietnam has caused far too much acrimony in our political and social structure and it is vital that we Americans regain the ability to discuss it unemotionally and with respect for differing points of view in the best democratic tradition.

Let me make it clear at the outset that I do not question that the President was completely honest and sincere in setting forth his Vietnam policy in his speech of November 3. I am sure that he is as dedicated to the cause of peace as any American, perhaps more than many since the war is his terrible responsibility. I feel sure that he is convinced that if he had a little more time and a little more national unity, he could resolve the dilemma.

I am sure that the same was true of former President Johnson, with whom I took frequent issue on Vietnam matters.

The difficulty is that I believe that both positions are based upon assumptions which are not borne out either by past history or present events. The cornerstone of the policy of both Presidents is reliance on the present government of South Vietnam and its ability to develop the broad support that will enable it to become self-sufficient both economically and militarily.

Time and time again both Presidents and the American people have been treated to rosy views of this picture only

to have them shattered by new evidence of corruption, disorganization, and weakness.

Today, after 5 years of American effort, the Thieu-Ky regime continues to hold power only by the strongest measures of repression, by jailing even the most responsible members of its political opposition, censoring the press, denying religious freedom, and suspending due process. As a result, there are today more than 20,000 non-Communist South Vietnamese in jail as political prisoners. I believe that it is senseless to continue to throw away American lives in the defense of this kind of government.

Furthermore, no end of the war seems feasible so long as we let Generals Thieu and Ky determine our policies. They are primarily interested in preserving their own power, not in reaching a settlement that would allow true self-determination in South Vietnam.

As an American I do not much like having American foreign policy dictated by a foreign government, especially such a disreputable lot as the generals in Saigon and particularly when it involves the continued loss of American lives.

I do not advocate precipitate unilateral withdrawal of American troops, which President Nixon unfortunately posed as the only alternative to his proposals. Nor do I support the proposal of Senator GOODELL for a fixed timetable of withdrawal. Both of these proposals play into the hands of the most militant Communist elements, risk a bloodbath in Saigon, and would probably upset the balance of power in Southeast Asia.

I do think we can end the war now, however, either by settlement or, as most experts seem to think, by allowing the war to fade away.

Settlement requires compromise, recognizing the actual division of power and interests that presently exist in South Vietnam. This means alternatives of partition or of some coalition arrangement either to govern or to control elections. No settlement is possible that leaves the Thieu-Key government in control—there is simply no reason for Hanoi to settle on such a basis.

Allowing the war to fade away requires us to be willing to match Hanoi troop withdrawals proportionately with our own. Hanoi recently has withdrawn a very substantial proportion of its troops and has reduced fighting levels to the lowest in the war. As has been our habit, however, instead of responding to these actions affirmatively as a sign of peace, we have interpreted them negatively as a sign of weakness. Our reports from South Vietnam repeat the old song that we are scoring tremendous successes in our pacification program and that Hanoi's efforts are collapsing—though at the same time, there are predictions of a new Hanoi offensive. This repeats the pattern that has proved so consistently wrong all throughout the war. If Hanoi attacks, we will undoubtedly use that as an excuse for our having to remain militarily even longer. It's a vicious cycle that keeps us militarily committed no matter what Hanoi does and prohibits a fading away of the war.

Hanoi certainly bears a tremendous responsibility for ending the war. It has

been hardly helpful in the Paris negotiations. But Hanoi has real reason to distrust our intentions and those of Generals Thieu and Ky. We have yet to put Hanoi to any real test of its willingness either to settle on a realistic basis or to mutually deescalate. Until we do—until we stop marching to the Thieu-Ky tune—we are not likely to see an end to the war in sight.

No amount of time or unity behind the President will change these basic facts. The large majority of those who disagree with the President definitely do not wish to accept a conclusion to the Vietnam war that results in our defeat or humiliation. They feel that our taking over the war was a tragic error and that by continuing to hold out for the Thieu-Ky regime we perpetuate that error. They feel no amount of additional time or unity will produce an end to the war which will satisfy the Saigon generals. They favor an honorable settlement along realistic lines of division of power in South Vietnam or a mutual deescalation. Either way, the South Vietnamese should be permitted to determine their own future, free of military pressure from both ourselves and Hanoi.

#### THE NIXON ADDRESS

### HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. SKUBITZ. Mr. Speaker, in our Fifth Congressional District of Kansas we are blessed with an abundance of hard-hitting editors who speak out on the major issues as they see them. I believe that the enclosed three editorials from the Parsons Sun, Baxter Springs Citizen, and El Dorado Times are an excellent cross-section of the thinking of our people in the Fifth Congressional District of Kansas:

[From the Parsons (Kans.) Sun, Nov. 5, 1969]

#### THE NIXON ADDRESS

President Nixon's address to the nation Monday night was a dispassionate review of the terribly complex and thorny issues revolving about Vietnam.

The President was able to report progress in disengagement from the war. He outlined the history of American participation in a factual manner. He explained why immediate, total withdrawal is both impossible and unrealistic. He cited the difficulties encountered in negotiations with Hanoi, and reminded that it still takes two to negotiate. He talked of a secret plan for further limiting American activity, and on that asked for confidence and patience.

Most of all, Mr. Nixon made a plea for public understanding and support. It is likely, and the evidence already points in that direction, that he will get what he seeks.

Signs point to public recognition—even gratification in the minds of many—for positive steps achieved in the past 11 months in trying to undo what took 15 years to do. At the same time the Nixon report will not quiet his critics or disarm them.

It is highly ironic that he pledged for support and understanding—national unity, in other words—at a time when Vice President Spiro Agnew has been permitted to smear all

of those active in peace movements with a brush of blatant innuendo.

Discount the hard core of radicals, who know not where they're going or even expect to get there. They have the numbers to be heard, but not to count in the national reckoning of difficult, responsible decisions.

Unity cannot be accomplished, however, when angry and ugly words roll from the loose lips of Agnew in blunderbuss style, perhaps directed at the extreme fringe but falling alike on honest, sincere citizens exercising their rights of visible but peaceful dissent on overriding national policies.

The President's appeal will gain more credibility if he quiets Agnew, and consigns him for the duration to the limbo of obscurity reserved for vice presidents. Mr. Nixon needs the nation behind him in an hour of severe trial, the greatest any President has faced in more than 100 years, and the nation needs him. His own actions and efforts have been directed responsibly toward the goal Americans fervently cherish.

Moreover, he is the only President we have and the only man who can conduct the delicate maneuvers of policy which can extricate the nation from the morass of an Asian land war. He did not put the country there. He is the only one who can get it out in the foreseeable future.

But the way to gain national unity is not to invite division and confrontation, a la Agnew. The President will serve his own cause and that of the nation best if he sees that those in his administration practice what he preaches.

[From the El Dorado (Kans.) Times, Nov. 11, 1969]

#### "SILENT AMERICAN" SPEAKS

The "silent American" is beginning to become a bit vocal.

Heretofore, the anti-Vietnam war demonstrators have fairly well occupied the field with little opposition. But this week promises to be different.

All over the United States, people with a burning belief in the fundamental integrity of the nation are starting to assert themselves. Many evidences of their belief that the spirit of "my country, right or wrong," should prevail, and the confidence that the Nixon administration is doing everything possible to end this nation's participation in the war have appeared. Today it was largely in the flying of flags for Veterans Day. Next Saturday, the nation will blossom not only with flags flying everywhere, but with parades, observances and loyal demonstrations all over the country.

All patriotic organizations, headed by the American Legion, the Veterans of Foreign Wars and Disabled American Veterans, will make their influence felt. Evidence prevails that the nation has not lost its tremendous love for country, but has only been calmly reviewing the present situation while the antis raged.

The great majority of American citizens would like to see the war stopped instantly. But this majority is not willing to have the end of the war come with loss of dignity and humiliation to the United States. The antis may protest, but the great mass of American people want the present difficulty solved in an orderly way. That's why they are standing so solidly behind Richard Nixon and his planning at the moment.

If you, Mr. Good Man and Mrs. Good Woman can do nothing more than fly your flag to show your loyalty to the American government at a most difficult time, by all means fly it.

[From the Baxter Springs (Kans.) Citizen, Nov. 6, 1969]

#### ONLY AMERICANS CAN DEFEAT US

Our President made a most significant statement in his speech Monday night, and

we quote, "North Vietnam cannot defeat or humiliate the United States. Only Americans can do that."

And we see signs that some so-called Americans are trying to do just that. The situation in Viet Nam is touchy. For many years we have been building up a gigantic war machine in Southeast Asia and there are those that would move in the other direction almost overnight. We do not see how any thinking person could believe that it could be done. A half-million men together with their arsenal of weapons, ships, planes and ground movers is a terrific big "thing." To pull them out in a short time would be to lose all that has been gained and jeopardize the lives of those Vietnamese and Americans who are caught in the pull-out.

President Nixon is changing the course of the war. He is bringing home troops, he is putting the job of fighting on the backs of the South Vietnamese. Reports of the fighting the last few days are proof of that. What more can we ask?

President Nixon did not reveal his timetable for withdrawal. He stated that he had one and only the North Vietnamese could change it. Obviously if the enemy knew of our every move they would be able to defeat and humiliate us. We do not see how anyone could argue that point. Even in a Democracy there are some things that our leaders must keep from those that would bury us and of course, that means that we, the people, cannot be informed of all the plans.

We deeply believe that our negotiations and our ability to cope with the situation would be greatly enhanced if those who would like to make personal and political hay out of the dangerous trap into which we have fallen would shut up and try to help the United States maintain its place in the world and in history.

It is also a sad commentary on our generation that we have allowed our nation to be infiltrated with communistic propaganda to the extent that thousands of malcontents take up the communistic line and do their dirty work for them. We would have to agree with Vice-President Agnew in his description of them. As we see some of the dissenters on TV our stomach turns over.

We are proud to be among that "silent" majority to whom the President appealed to back his efforts for a just peace. Today we heard that a poll had indicated a 77 per cent backing of the President's policy. The dissenters are noisy but we fervently believe that our nation is very strongly behind our President in the belief that he is doing all that can be done with strength and dignity. History will record our actions in this crisis.

America must not defeat itself with hysterical actions. To remain great we must be united and our leader has given us the torch.

[From the Parsons (Kans.) Sun, Nov. 13, 1969]

#### BITTER DAYS

These are strange, bitter days. No one can tell what kind of fruit they will produce.

Discontent, even hatred, are building to new peaks. Far from lowering its voices as President Nixon once suggested, the nation is raising them. Oddly enough, too, at the administration's prodding.

Vietnam is the focal point, of course, the cloud which overshadows all. But there are other factors. The gains which equal rights have made on the law books are in danger of being overwhelmed by rising bias in human hearts and minds. There is an edginess abroad in the land which few have experienced before in their lifetimes.

The feelings exceed anything witnessed at the depth of the depression in the 1930s. Then the discontent centered on economic

issues. The system had broken down. It was necessary only to get the country moving again, to put people back to work.

This time it's different. The basis of the ferment is emotional, not economic. Emotions are a volatile and highly unpredictable commodity. Once unloosed, there is no charting of their course. They feed upon themselves and can spread an uncontrollable virus through the whole society.

The ironies so prominent in the existing circumstances contribute to the exposed national nerves, that are growing rawer by the day.

Mr. Nixon has taken positive steps to lessen the American role in Vietnam. For the critics, they are not enough. But it is significant to note that he has silenced those in the United States Senate who once were so vocal in their condemnation of Lyndon B. Johnson.

Perhaps, although it's beyond proof now, the President's pace and his spoken hopes might have been sufficient to cool all but the most radical elements in the ranks of those demanding more sweeping and immediate measures.

Instead of lowered voices, however, the administration has permitted strident cries to come from within its own house. They have inflamed and embittered the opposition. In a narrow, political sense it has been a successful job. The idea that all of the critics are the bearded, reckless, unbathed types has taken hold.

Instead of the unity which the President has professed to seek, the result may be disunity that will rise to plague him in the future and perhaps the not too distant future at that. The Vietnam war, as one of his close advisers once observed, has succeeded in corroding everyone it touches. Mr. Nixon is not home free yet.

The heavy-handed negotiations conducted by the administration over a route for demonstrators in Washington added more bitterness to the equation.

In the end and without credit, the administration did what it could have done at the start with credit and that is to permit the marchers to use Pennsylvania Avenue, Washington's main stem. The subject was blown needlessly beyond all reasonable dimensions into a major and symbolic issue.

The President asks for patience and faith in his policies, and his is a wholly reasonable request. But it is one which also calls for balance within his administration, and for inexplicable reasons, that has not been forthcoming—everything but, as a matter of fact.

Tensions building from the zig and zag of policies and pronouncements inevitably spill into other areas of national activity. The dangers are compounded. Far from easing the internal problems, applying balm where it is needed so urgently, the calm essential for rational solutions will be sidetracked by explosive elements and irrational actions which can but divide the country further.

The President has a terribly, lonely job. He has reason to ask for understanding and support. But that is not a one-way street. He and his administration must separate overriding national objectives from the short-range goals of partisanship. They need to be understanding, too, and not short with honest, sincere dissent.

Unity achieved through pressures from the top could prove to be highly illusory. It can and probably will collapse with the speed of a house of cards.

The best politics for the President is to pursue the gnawing problems of war with candor and vigor, and button the lips of his resident satraps. If he succeeds, he need not worry about the ensuing election results.

But the seeds of division unfathomably sown in the name of unity can yield a harvest disastrous not only for Mr. Nixon, but the nation as well.

## THE FEDERAL SALARY COMPARABILITY ACT OF 1969

### HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, we are now awaiting Senate action on Federal pay legislation and we are awaiting it under the threat of a Presidential veto.

I think that anyone who becomes familiar with the provisions of the bill will question, as I do, the wisdom of the Nixon administration's threatened veto. A short summary of what we did in the House bill follows:

H.R. 13000 provides for a permanent pay system with initial recommendations from a Federal Salary Commission which will be subject to Congressional review.

Provides for a Board of Arbitration which will decide whether or not the directions of a Salary Commission are in agreement with the directives in the law for true comparability with private industry.

Provides for acceleration of step increases for postal workers. And as we said in our report which accompanies H.R. 13000:

"One of the myriad problems facing the Post Office Department is the high turn-over rate of its employees. In 1967-68 the separation rate was approximately 45 percent. In a comparable period for all of Government, the separation rate was 23 percent.

"The reasons for this turnover are many and varied. Some of the more important include the level of pay and the iniquitous system of advancement which requires a postal employee to remain in the service for over 20 years before he reaches the top for his position.

"The pay of the postal employee, while it has increased substantially in the past few years, is still below the national standard.

"At the present time, according to the statistics published by the Bureau of Labor Statistics, the best the postal employee can hope for, after 21 years of service, is \$1,864 less than the minimum standard for a moderate standard of living. By moderate, the BLS means that the family may own a 2-year-old car and the father in the family may buy a new suit every 4 years. No allowance is made for savings nor for credit charges, even though most families in this category buy on credit.

"Even worse, the present midrange of the postal employee schedule at PFS 5, step 4, is but \$111 more than the standard set by the Bureau of Labor Statistics for a low standard of living. It is the strong feeling of this committee that these problems need to be overcome and overcome fast.

"Therefore, in order to create new incentives in the postal recruitment and retention program; in order to allow the full-fledged postal employee to enjoy the fruits of this labor within a reasonable time period; and to increase the ability of the postal employee to maintain his family at a reasonable standard of living, the committee has recommended the following:

"1. The present system of instep promotion that requires 21 years (minimum) for a postal employee to reach the top step in his grade will be reduced to 8 years.

"2. As the first step in this process of reducing the amount of time required to become a full-fledged postal employee, all lower grade employees (PFS 1-11) are given a two-step advancement effective October 1, 1969. Higher level employees (PFS-12 and above) will be given earned step advancement on

July 1, 1970, as their first step in the acceleration program."

"It is important to remember that the problems facing the postal employee in terms of career advancement are limited and unique. In contrast to all other Federal agencies, over 71 percent of the postal employees are locked into one grade level. The distribution clerks and the letter carriers, the backbone of the Post Office Department, must spend their entire careers in PFS-5. Thus, the only meaningful career advancement open to them is through the within-grade step increase program. Thus, it is vital that the postal employee know that he will be able to move up the ladder rapidly and be able to earn enough money to care for his family responsibilities. It is patently unfair to have a man work more than 10 years in one level, with no hope of advancement, and not be making the maximum amount for the same amount of work.

"This incentive program is designed to help the postal employee because of his unique situation. It is not a program which creates an unfair advantage over other Federal employees. Most other employees are offered ample opportunity to move into other, more skilled occupations within the Federal service as their skills increase. The recent report by the Civil Service Commission, *Grade Trend of Federal Civilian Employment* (June 1969), pointed out that the definite trend among Federal employees is on the upgrade. In fact, the report clearly stated that the 'principal reductions in new hiring [among General Schedule employees] occurred at the basic entry grades of GS-1, 2, 3, and 5.' These are precisely the areas, especially GS-5, where the postal employees are situated. Thus, where the problem is greatest among postal employees, it is decreasing among all others.

"It is the intent of this committee that the Federal Employee Salary Commission review this entire area and maintain patterns that are consistent with the policy of comparability between private industry and within the Federal Government for like work."

## TWO PLYMOUTHS MEET

### HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. ESCH. Mr. Speaker, a wonderful exchange is taking place between the cities of Plymouth, England, and Plymouth, Mich., United States of America. On this night, November 19, 1969, His Honor, the Lord Mayor of Plymouth, England, is the guest at a special dinner in his honor at Plymouth, Mich.

His mission is once more to extend the handclasp of friendship across the sea between these two communities, as his predecessor did in a visit to my district 2 years ago, when he accepted an invitation to participate in the 150th birthday observance of Plymouth, Mich.

I am exceedingly proud that our Plymouth, Mich., initiated this relationship and I am just as proud that the city of Plymouth, England, responded so readily and has been interested in maintaining this unofficial tie as a continuing bond between two great countries.

Tonight, the Lord Mayor will be informed that the people of Plymouth, Mich., have accepted the invitation extended 2 years ago to attend the 350th anniversary of the sailing of the historic ship *Mayflower*. Several score people have

chartered a jet and will attend this observance next July. The Lord Mayor has invited Chairman W. W. Edgar and the mayor's committee from our Plymouth to produce a special Michigan Week program as a feature of their visit.

May we all hope that someday nations throughout the world can achieve the same easy, friendly relationships that exist from man to man and city to city.

SENATOR HOLLAND AND MRS.  
HOLLAND WILL BE MISSED

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. BENNETT. Mr. Speaker, the recent announcement by Senator SPASSARD L. HOLLAND that he will not seek reelection came as a great surprise and disappointment to me; and to millions of Floridians and others throughout our Nation. He has done a wonderful job for America through many years. A World War I hero, he came back to Florida for a life of public service which is written in the superlatives of excellence. In paying tribute to him we also pay tribute to his lovely wife, Mary Holland, who like her husband has thought of others first. She has endured much in the support of her statesman husband and his work.

Mr. Speaker, I include two editorials about the Senator that I think are well deserved tributes to him. His shoes will indeed be hard to fill. As a Member of the House of Representatives—where I hope to serve for years to come—I will miss his leadership and advice tremendously.

The editorials follow:

[From the Florida Times Union (Jacksonville, Fla.), Nov. 13, 1969]

A BIG PAIR OF SHOES TO FILL

While Florida's political complexion has changed with bewildering rapidity during the past decade, the thread of continuity—exemplifying the best of the past—has been maintained by U.S. Sen. Spessard Lindsey Holland.

Yesterday, Holland announced the end of an era. He said he will not seek reelection in 1970 although he will serve out his present term.

The wisdom of his decision cannot be disputed. Troubled with angina for the past eight years, the 77-year-old senator said he had been advised by his doctors that it would not be wise for him to seek a fifth term.

The State of Florida will be the loser. In seniority alone, the loss is acute.

Holland is the second-ranking Democrat on the Agriculture and Forestry Committee, fifth on the Appropriations Committee, and a member of the Aeronautical and Space Sciences Committee.

But even more important is the respect and trust his colleagues in the Senate have for Holland. He is known as a man whose word is good and whose motives are good. When Holland tells his colleagues what a bill he introduced is designed to do, they believe him.

[From the Jacksonville (Fla.) Journal, Nov. 13, 1969]

HOLLAND WILL BE MISSED

Sen. Spessard Holland's decision not to seek reelection to the U.S. Senate seat he has

held since 1946 is understandable considering his admitted state of health, but a regrettable loss for the people of Florida and the Congress itself.

Men of Senator Holland's stature do not come along often. If they did, the voters of today would not be faced with the agonizing chore of choosing "between the lesser of two evils."

This respect cuts across party lines and philosophical differences. Senate liberals do not agree with his conservative views but they recognize his integrity.

Holland's ability to rally his Senate colleagues round him was demonstrated in a confrontation during the early 1960's with Rep. Clarence Cannon, the late autocratic head of the House Appropriations Committee.

Cannon was bitterly opposed to putting the final planning funds for the Cross Florida Barge Canal in the budget and Holland insisted they be included. The appropriations bill went to a conference committee of House and Senate.

Up to that time, Cannon was reputed never to have lost a major battle but he lost this one. Holland held his ground and the Senate conferees supported him. So sure were many of the House members that no change would be made in the House version of the bill that they went home to their constituencies.

However, with the Senate conferees refusing to budge, the House had to be called back into session to vote the barge canal planning funds.

Holland has not been a flashy figure on the national scene. He has been a senator whose accomplishments for his state and nation have spoken more loudly than his words.

Born in 1892 in Bartow, Holland won Florida's governorship in 1940. Although Florida governors have traditionally done very poorly when seeking another office after their terms expired, Holland reversed the trend. He was appointed to the U.S. Senate seat in 1946 and won election to a six-year term that same year. He has won reelection handily ever since—the last time over Claude Kirk who went on to win the governorship.

Now the speculation will be rife over possible successors to Holland, a question that will be decided in next year's elections. We leave that speculation to others.

The one thing that is clear at the present time is the fact that Florida's voters are being left with a big pair of shoes to fill.

Spessard Holland's career has been clouded only by his reluctance to share the limelight he so richly deserved with his more uninhibited colleagues in politics. While other more flamboyant lawmakers drew the headlines and pictures, Holland remained in the background content to fulfill his obligations to his constituents as a producer of results. He has had a genuine rapport with his fellow senators, who recognize him as one of the respected few who "can get things done."

His lack of color as an elected official belies his early background as an outstanding athlete, who was once offered a professional baseball contract by the immortal Connie Mack, and as a World War I flying ace who shot down one of Von Richthofen's deadly "Flying Circus."

After being mustered out as a captain with a Distinguished Flying Cross, young Holland returned to his native Florida, where he had been born in Bartow, July 10, 1892, got married and settled down to law practice.

From then on his career seemed pre-ordained. He served as a county prosecutor in his county of Polk, county judge, state senator and finally governor in 1940.

It was from that position that he was appointed in 1946 to fill the seat of the deceased Charles O. Andrews and was elected to a six-year term shortly after.

Senator Holland has served Florida well. During his 23-year Senatorial career he has

been a valuable member of several committees, including the powerful Appropriations Committee. It was here that his efforts were largely responsible for the start of the Cross-Florida barge canal.

Though his friends and political adversaries recognize him as a "moderate conservative Democrat," he is accorded the honor of respect in all camps and is one of the few Southerners given that distinction by Northern liberals and the opposing Republicans.

Political expediency has not been a creed of Senator Holland's. As his late friend, J. Turner Butler of Jacksonville, once said: "All hell couldn't get him to do something he didn't believe in."

Spessard Holland will leave a deep void in the Senate and in the programs of Florida when he steps down a year from next January. His successor will not have an easy job replacing him.

VICE PRESIDENT AGNEW STRIKES  
PAY DIRT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. WYMAN. Mr. Speaker, charges that Vice President AGNEW in suggesting that some TV news programs are purposely slanted to convey the viewpoint of a small group of network owners, was seeking to muzzle the press or erode freedom of speech, are ridiculous. The fact of the matter is that what the Vice President said was true and it has been troubling a lot of TV viewers for a long time. Huntley-Brinkley is a case in point.

If the furore the Vice President has stirred up leads to a more objective selection and presentation of the news and events of the day it will be a salutary accomplishment. Meantime there is no denying the existence of a certain amount of curious news media prejudice against President Nixon. It shows. Because of this prejudice there is an increasing obligation on reporters, columnists and editorialists to refrain from slanting their interpretations of the news as it relates to the Nixon administration, which, on balance, is conscientious, capable and responsible.

The extremes to which the sensitivity of the big shots of TV to such a recitation of fact carries them in retaliation, is illustrated by their claims that Vice President AGNEW seeks to deny them freedom of speech and is trying to muzzle TV. Such statements do more to suggest that Mr. AGNEW has struck pay dirt than anything that has been said thus far in this controversy.

The Vice President wants only a fair shake from those reporting the news of the day—and so does the public.

In this connection the following comments of James J. Kilpatrick in the Washington Star of Tuesday, November 18, are significant, as are those of Richard Harwood and Laurence Stern in today's Washington Post:

AGNEW RIGHT IN ASSESSING LIBERAL BIAS  
OF TV

(By James J. Kilpatrick)

The unfortunate thing is that Agnew is right. The still more unfortunate thing is that nothing much can be done about it. The vice president charged, in brief, that

television network news is shaped and controlled by a small group of men whose liberal bias dominates their presentation. Who can deny it? The charge is true. It has been true for 20 years.

It is the same charge, in essence, that has been leveled against the Warren Court. Members of the high tribunal are supposed to put their prejudices behind them when they sit down at the bench. They don't. Everyone knows where Thurgood Marshall will stand on a civil rights case. He will stand where TV's famous anchormen stand. Perhaps an answer to our problems lies in asking the Senate to advise and consent to the nominations of Messrs. Huntley, Brinkley, Cronkite and Reynolds, whose decrees come down every night.

The Constitution is filled with safeguards against the bias of judges. None of the safeguards has worked. The only effective restraint upon a Supreme Court judge is his own sense of self-restraint. The same thing is true of the network people. Much of the time, in my observation, the anchormen strive for an impeccable neutrality; but Huntley's eyebrows have an independent mind all their own. And Mr. Brinkley, for his part, could not read two columns of a telephone book, deadpan, without hinting at the character of Kunkle, Kunze, Kunzig and Kupetz.

This is an inescapable aspect of the nature of strong men. Of course their biases creep in. Their whole lives play a part in forming their judgment on what constitutes news tonight. And in the particular case of network television, the ordinary problems of editorial judgment are compounded by the nature of the medium.

For TV is not like newspapers. The newspaper you are now reading has been assembled by editors whose lives are ruled by the printed word. If my column bores you at this point, you can switch in a twinkling to someone else's column. You can go to sports, to women's news, to business news, to foreign news, to the comics; you can put the paper aside and read it later. You can read as much or as little as you please, making your own choices. And if you find this newspaper unpalatable, you can—with a little effort—find some other printed medium.

The evening network shows are something else entirely. Cronkite cannot "raise his paper" by a couple of pages to accommodate a big day in the news. He is bound to the inexorable half-hour or to what remains of a half-hour after the commercials.

In this time span, a Cronkite must not only inform; he must also entertain. He must hold his viewers. His task is to present 15 or 20 items that will claim attention from beginning to end. If your custom is to watch the whole show, you must accept the CBS choice willy-nilly—or try another network where the same personal prejudices work in about the same way.

Suppose, to be supposing, that Bill Buckley and I were invited to replace Messrs. Huntley and Brinkley for a week or two. Suppose that we were instructed, just as they are, to be as fair, as objective, as impartial as we could be; and suppose that we tried our best. Our nightly choice of 15 or 20 stories seldom would vary much from the Huntley-Brinkley choice, but inevitably there would be nuances, changes of emphasis, a different ordering of priorities.

Before long, the liberal establishment would be howling to high heaven against a tiny and closed fraternity of privileged men, elected by no one, enjoying a monopoly sanctioned and licensed by government. You would not have heard Spiro T. Agnew on Thursday; but you might have heard the same speech from, say, Hubert Humphrey.

The problem is quite serious, for Agnew is right in his assessment of TV's impact. The medium itself, as Marshall McLuhan has said, is the message; and every man who deals in

ideas would like a crack at composing a network's evening message. I'll come back to this theme again. Meanwhile, good night, Bill.

[From the Washington Post, Nov. 19, 1969]

#### SNEERS AT VICE PRESIDENT WON'T DISPEL DOUBTS ABOUT MEDIA'S PERFORMANCE

(By Richard Harwood and Laurence Stern)

When Vice President Agnew unloaded last week on the alleged biases of the "tiny and closed fraternity of privileged men" in the television news business, cries of foul were heard throughout the land.

That often happens when public figures attack the media, probably because there is a theory in the industry that people shouldn't bite back at their dogs.

In Agnew's case it has been charged that he seeks to erode "freedom of the press," that he is trying to muzzle the administration's critics, that he is subliminally blackmailing a \$3 billion industry with a reminder that TV licenses are given and taken away by a Federal Communications Commission whose members are appointed by the President. There is even talk about a new era of McCarthyism.

"My feeling," an over-wrought CBS commentator told Newsweek, "is that the White House is out to get all of us, all the liberals in all the media . . . We're in for some dangerous times."

Perhaps. But the issue of media performance is not going to evaporate in this country simply because publishers and network presidents wrap themselves in the First Amendment and sneer at Spiro Agnew. For the facts are that the media are as blemished as any other institution in this society and that there is growing public concern over their performance.

This is reflected in the spectacular proliferation of underground newspapers whose constituents are young radicals and dropouts turned off by the Establishment press. It is reflected in the creation (with private and public funds) of a vast network of "educational" television stations offering an alternative to whatever it is that the commercial networks happen to be selling.

In Chicago, reporters and editors think so little of their daily product that they produce each month a Journalism Review cataloging the sins and omissions of the newspapers that employ them.

Politicians from Dwight Eisenhower to George Wallace to Eugene McCarthy have raged at the Eastern Liberal Press. Newton Minow, a former chairman of the Federal Communications Commission, and Nicholas Johnson, a present member of the Commission, made their reputations assailing the TV "wasteland" to the cheers of many of the same editorial writers and critics who are now shocked at Agnew's gall.

Indeed, Commissioner Johnson has been one of the principal advocates of community pressure groups that are trying, in Agnew's phrase, to make television stations more "responsive" to public desires in programming.

If successful, these efforts will lead to the transfer of television licenses in various cities—Jackson, Miss., New York and Washington, for example—from "conservative" to "liberal" owners and managers.

One of the reasons for all this agitation is that people have come to recognize that the selection and presentation of information and "news" is a very unscientific enterprise. Except for a few platitudes about "objectivity," "responsibility," and "news that's fit to print," there are no accepted or enforceable standards in this business.

"News" is what the media say it is and the definition varies from day to day and place to place. It was "news" in The Washington Post and The New York Times last week when three doves in the Senate announced support for the antiwar demonstrations on Nov. 15. It was not "news" at all in The Times the following day when 359 con-

gressional hawks and dawks endorsed the President's negotiating posture on the war.

In some parts of the country last week, people were told that Washington was braced for war against the howling mobs in the city. Elsewhere they read about love and singing and picnics on the public lawns.

There is no conspiracy in any of this, despite Spiro Agnew's dark suspicions. But there is much room for criticism, debate and discussion. And that debate and discussion need not be limited—should not be limited—to the dreary convention halls of the broadcasters and editors.

AMBASSADOR JOSEPH P. KENNEDY

#### 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 join my colleagues in expressing great sorrow at the death of Ambassador Joseph P. Kennedy.

If the worth of a man's life is what he has contributed to his fellow man, Ambassador Kennedy's life was among the most generous and philanthropic of men. If the value of a man's work is gaged by how he has improved the lot of society, Ambassador Kennedy's work contributed to the growth, security, and development of this Nation and all its people. His life was one of action and hard work. He was devoted to this Nation, his family, and his church, and his entire life was spent helping and building each of these.

All of us know the great success story of Joseph P. Kennedy. Those of us from the Boston area perhaps understand a little more the great obstacles he overcame. The richness of personality and the strength of character necessary to achieve the successes he did cannot be exaggerated.

As Chairman of the Securities Exchange Commission, he brought order, reason, and fairness to a market that almost destroyed the economy of America. As Chairman of the Federal Maritime Commission, he built a fleet that was unsurpassed in the world, when everyone said we had not the time, money, and technology to do so.

But there is another great contribution that Joseph Kennedy made to the Nation and to the peoples of the world. He and his courageous wife, Rose, gave a family to this Nation—a family that would provide leadership, inspiration, and courage in times of trouble. In his sons and daughters, he and Mrs. Kennedy instilled a tradition of public service, of devotion to duty, a yearning for truth and a willingness to act to better the lot of all mankind. Ambassador Kennedy never forgot why the Kennedys came to this country—the land of promise and opportunity—and he was determined that all the resources of his talented and dedicated family would be used to make this Nation the land of promise and opportunity for all Americans.

He had courage; he had conviction; and in his lifetime he helped make

America a better land. A man's measure is the sum of what he has done and what he has left behind. Ambassador Kennedy gave his energies, fortune, ideas, and devotion to this Nation—and tragically, four children whose contributions were great even at the early ages at which they died. He leaves behind many good works, many accomplishments, a saintly and strong woman, a son who is a dedicated and dutiful public servant, and three daughters who are devoted to duty and charity.

No man is gone who is not gone in the minds of others; no man dies who lives on in his children and in good works. My deepest sympathy goes to Mrs. Rose Kennedy, Senator EDWARD KENNEDY, Jean Kennedy Smith, Eunice Kennedy Shriver, Patricia Kennedy Lawford, on their great loss, but they can be comforted in knowing that Ambassador Kennedy's great gifts to the Nation will live forever.

#### CAN ANYONE RUN A CITY?

### HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. PODELL. Mr. Speaker, America has become an urbanized Nation; the days of bucolic bliss are gone forever. But as the scope of urban life has grown, the problems associated with high density living have mushroomed.

Mr. Gus Tyler, assistant president of the International Ladies' Garment Workers' Union, is a man intensely concerned with the quality of urban life. By asking, "Can Anyone Run a City?" he has touched on a most basic consideration: Has man created only to become an unwilling victim rather than a master of his efforts?

I feel that everyone concerned with urban life should read Mr. Tyler's provocative discussion of the demands made on cities and the resources at their disposal. If there were more people like Mr. Tyler, the problems of our cities would be closer to some effective solution. An article by Mr. Tyler published in the November 8, 1969, Saturday Review follows:

#### CAN ANYONE RUN A CITY?

(By Gus Tyler)

Can anyone run a city? For scores of candidates who have run for municipal office across the nation this week, the reply obviously is a rhetorical yes. But if we are to judge by the experiences of many mayors whose terms have brought nothing but failure and despair, the answer must be no. "Our association has had a tremendous casualty list in the past year," noted Terry D. Schunk, mayor of Portland, Oregon, and president of the U.S. Conference of Mayors. "When we went home from Chicago in 1968, we had designated thirty-nine mayors to sit in places of leadership. . . . Today, nearly half of them are either out of office or going out . . . most of them by their own decision not to run again." Since that statement, two of the best mayors in the country—Jerome P. Cavanagh of Detroit and Richard C. Lee of New Haven—have chosen not to run again.

Why do mayors want out? Because, says Mayor Joseph M. Barr of Pittsburgh, "the problems are almost insurmountable. Any

mayor who's not frustrated is not thinking." Thomas G. Currigan, former mayor of Denver, having chucked it all in mid-term, says he hopes "to heaven the cities are not ungovernable, [but] there are some frightening aspects that would lead one to at least think along these lines." The scholarly Mayor Arthur Naftalin of Minneapolis adds his testimony: "Increasingly, the central city is unable to meet its problems. The fragmentation of authority is such that there isn't much a city can decide anymore: it can't deal effectively with education or housing."

Above all, the city cannot handle race. Cavanagh, Naftalin, and Lee—dedicated liberal doers all—were riot victims. Mayor A. W. Sorensen of Omaha had to confess that after he'd "gone through three-and-a-half years in this racial business," he'd had it.

Although frictions over race relations often ignite urban explosives, the cities of America—and the world—are proving ungovernable even where they are ethnically homogeneous. Tokyo is in *hara-kiri*, though racially pure. U Thant, in a statement to the U.N.'s Economic and Social Council, presented the urban problem as world-wide: "In many countries the housing situation . . . verges on disaster. . . . Throughout the developing world, the city is failing badly."

What is the universal malady of cities? The disease is density. Where cities foresaw density and planned accordingly, the situation is bad but tolerable. Where exploding populations hit unready urban areas, they are in disaster. Where ethnic and political conflict add further disorder, the disease appears terminal.

Some naturalists, in the age of urban crisis, have begun to study density as a disease. Crowded rats grow bigger adrenals, pouring out their juices in fear and fury. Crammed cats go through a "Fascist" transformation, with a "despot" at the top, "pariahs" at the bottom, and a general malaise in the community, where the cats, according to P. Leyhausen, "seldom relax, they never look at ease, and there is continuous hissing, growling, and even fighting."

How dense are the cities? The seven out of every ten Americans who live in cities occupy only 1 per cent of the total land area of the country. In the central city the situation is tighter, and in the inner core it is tightest. If we all lived as crushed as the blacks in Harlem, the total population of America could be squeezed into three of the five boroughs of New York City.

This density is, in part, a product of total population explosion. At some point the whole Earth will be as crowded as Harlem—or worse—unless we control births. But, right now, our deformity is due less to overall population than to the lopsided way in which we grow. In the 1950s, half of the counties in the U.S. actually lost population; in the 1960s, four states lost population. Where did these people go? Into cities and metropolitan states. By the year 2000, we will have an additional 100 million Americans, almost all of whom will end up in the metropolitan areas.

The flow of the population from soil to city has been underway for more than a century, turning what was once a rural nation into an urban one by the early 1900s. Likewise, the flow from city to suburb has been underway for almost half a century. "We shall solve the city problem by leaving the city," advised Henry Ford in a high-minded blurb for his flivver. But, in the past decade, the flow has become a flood. Modern know-how dispossessed millions of farmers, setting in motion a mass migration of ten million Americans from rural, often backward, heavily black and Southern counties to the cities. They carried with them all the upset of the uprooted, with its inherent ethnic and economic conflict. American cities, like Roman civilization, were hit by tidal waves of modern Vandals. Under the impact of this new

rural-push/urban-pull, distressed city dwellers started to move—then to run—out. Hence, the newest demographic dynamic: urban-push and suburban-pull. In the 1940s, half the metropolitan increase was in the suburbs; in the 1950s, it was two-thirds; in the 1960s, the central cities stopped growing while the suburbs boomed.

Not only people left the central city; but jobs, too, thereby creating a whole new set of economic and logistic problems. Industrial plants (the traditional economic ladder for new ethnic populations) began to flee the city in search of space for factories with modern horizontal layouts. Between 1945 and 1965, 63 per cent of all new industrial building took place outside the core. At present, 75 to 80 per cent of new jobs in trade and industry are situated on the metropolitan fringe. In the New York metropolitan area from 1951 to 1965, 127,753 new jobs were located in the city while more than three times that number (387,873) were located in the suburbs. In the Philadelphia metropolitan area, the city lost 49,461 jobs, while the suburbs gained 215,296. For the blue-collar worker who could afford to move to the suburbs or who could commute (usually by car) there were jobs. For those who were stuck in the city, the alternatives were work in small competitive plants hungry for cheap labor and no work at all.

Ironically, the worthwhile jobs that did locate in the cities were precisely those most unsuited for people of the inner core, namely, white-collar clerical, administrative, and executive positions. These jobs locate in high-rise office buildings with their vertical complexes of cubicles, drawing to them the more affluent employees who live in the outskirts and suburbs.

This dislocation of employment, calling for daily commuter migrations, has helped turn the automobile from a solution into a problem, as central cities have become stricken with auto-immobility; in midtown New York, the vehicular pace has been reduced from 11.5 mph in 1907 to 6 mph in 1963. To break the traffic jam, cities have built highways, garages, and parking lots that eat up valuable (once taxable) space in their busy downtowns: 55 per cent of the land in central Los Angeles, 50 per cent in Atlanta, 40 per cent in Boston, 30 per cent in Denver. All these "improvements," however, encourage more cars to come and go, leaving the central city poorer, not better.

Autos produce auto-intoxication: poisoning of the air. While the car is not the only offender (industry causes about 18 per cent of pollution; electric generators, 12 per cent; space heaters, 6 per cent; refuse disposal, 2.5 per cent), it is the main menace spewing forth 60 per cent of all the atmosphere filth. In 1966, a temperature inversion in New York City—fatefully coinciding with a national conference on air pollution—brought on eighty deaths. In 1952, in London, 4,000 people died during a similar atmospheric phenomenon.

The auto also helped to kill mass transit, the rational solution to the commuter problem. The auto drained railroads of passengers; to make up the loss, the railroads boosted fares; as fares went up, more passengers turned to autos; faced with bankruptcy, lines fell behind in upkeep, driving passengers to anger and more autos. Between 1950 and 1963, a dozen lines quit the passenger business; of the 500 intercity trains still in operation, fifty have applied to the ICC for discontinuance. Meanwhile, many treat their passengers as if they were freight.

Regional planners saw this coming two generations ago and proposed networks of mass transportation. But the auto put together its own lobby to decide otherwise: auto manufacturers, oil companies, road builders, and politicians who depend heavily on the construction industry for campaign contributions.

The auto is even falling in its traditional weekend role as the means to get away. On a hot August weekend this year, Jones Beach had to close down for a full hour, because 60,000 cars tried to get into parking lots with a capacity of 24,000. The cars moved on to the Robert Moses State Park and so jammed the 6,000-car lot there as to force a two-hour shutdown.

Overcrowding of the recreation spots is due not only to more people with more cars but to the pollution of waters by the dumping of garbage—another by-product of metropolitan density.

Viewed in the overall, our larger metropolises with their urban and suburban areas are repeating the gloomy evolution of our larger cities. When Greater New York was composed of Manhattan (then New York) and the four surrounding boroughs, the idea was to establish a balanced city: a crowded center surrounded by villages and farms. In the end, all New York became cityfied. Likewise, the entire metropolitan area is becoming urbanized with the suburbanite increasingly caught up in the city tangle.

The flow from city to suburb does not, surprisingly, relieve crowding within the central city, even in those cases where the city population is no longer growing. The same number of people—especially in the poor areas—have fewer places to live. In recent years, some 12,000 buildings that once housed about 60,000 families in New York City have been abandoned, with tenants being dispossessed by derelicts and rats; 3,000 more buildings are expected to be abandoned this year. The story of these buildings, in a city such as New York, reads like a Kafkaesque comedy. For the city to tear down even one of these menaces involves two to four years of red tape; to get possession of the land takes another two to four years. Meanwhile, the wrecks are inhabited by human wrecks preparing their meals over Sterno cans that regularly set fire to the buildings. By law, the fire department is then charged with the responsibility of risking men's lives to put out the fire, which they usually can do. However, when the flames get out of hand, other worthy buildings are gutted, leaving whole blocks of charred skeletons—victims of the quiet riot.

Other dwellings are being torn down by private builders to make way for high-rise luxury apartments and commercial structures. Public action has destroyed more housing than has been built in all federally aided programs. As a result, the crowded are more crowded than ever. Rehabilitation instead of renewal doesn't work. New York City tried it only to discover that rehabilitation costs \$38 a square foot—a little more than new luxury housing.

The result of all this housing decay and destruction (plus FHA money to encourage more affluent whites to move to the suburbs) has been, says the National Commission on Urban Problems, "to intensify racial and economic stratification of America's urban areas."

While ghetto cores turn into ghost towns, the ghetto fringes flare out. The crime that oozes through the sores of the diseased slum chases away old neighbors, a few of whom can make it to the suburbs; the rest seek refuge in the "urban villages" of the low-income whites. Cities become denser and tenser than they were. In the process, these populous centers of civilization become—like Europe during the Dark Ages—the bloody soil on which armed towns wage their inevitable wars over a street, a building, a hole in the wall. Amid this troubled terrain, the free-lance criminal adds to the anarchy.

All these problems (plus welfare, schooling, and militant unions of municipal employees) hit the mayors at a time when, according to the National Commission on Urban Problems, "there is a crisis of urban government finance . . . rooted in conditions

that will not disappear but threaten to grow and spread rapidly." The "roots" of the "crisis"? The mayor starts with a historic heavy debt burden. His power to tax and borrow is often tethered by a rural-minded state legislature. He has lost many of the city's wealthy payers to the suburbs. His levies on property (small homes) and sales are prodding Mr. Middle to a tax revolt. The bigger (richer) the city is, the worse off it is. As population increases, per capita cost of running a city goes up—not down: density makes for frictions that demand expensive social lubricants. Municipalities of 100,000 to 299,000 spend \$14.60 per person on police; those of 300,000 to 490,000 spend \$18.33; and those of 500,000 to one million spend \$21.88. New York City spends \$39.83. On hospitalization, the first two categories spend \$5 to \$8 per person; those over 500,000 spend \$12.54; New York spends \$55.19.

Expanding the economy of a city does not solve the problem; it makes it worse. Several scholarly studies have come up with this piece of empiric pessimism: if the gross income of a city goes up 100 per cent, revenue rises only 90 per cent, and expenditures rise 110 per cent. Consequently, when a city's economy grows, the city's budget is in a worse fix than before. This diseconomy of bigness and richness applies even when cities merely limit themselves to prior levels of services. But cities, unable to cling to this inadequate past, have had to step up services to meet the rising expectations of city dwellers.

The easy out for a mayor is to demand that the federal coffers take over cost or hand over money. But is that the real answer? The federal income tax as presently levied falls most heavily on an already embittered middle class—our alienated majority. Unable to push this group any harder and unwilling to "soak the rich," an administration, such as President Nixon's, comes up with revenue-sharing toothpicks with which to shore up mountains. Nixon has proposed half a billion for next year and \$5-billion by 1975, while urban experts see a need for \$20- to \$50-billion each year for the next decade. A Senate committee headed by Senator Abe Ribicoff calls for a cool trillion.

But even if a trillion were forthcoming, it might be unable to do the job. To build, a city must rebuild: bulldoze buildings, re-direct highways, clear for mass transportation, remake streets—a tough task. But even tougher, a city must bulldoze people who are rigidified in resistant economic and political enclaves. The total undertaking could be more difficult than resurrecting a Phoenix that was already nothing but a heap of ashes.

What powers does a mayor bring to these complex problems? Very few. Many cities have a weak mayor setup, making him little more than a figurehead. If he has power, he lacks money. If he has power and money, he must find real—not symbolic—solutions to problems in the context of a density that turns "successes" into failures. If a mayor can, miraculously, come up with comprehensive plans, they will have to include a region far greater than the central city where he reigns.

A mayor must try to do all this in an era of political tribalism, when communities are demanding more, not less, say over the governance of their little neighborhoods. In this hour, when regional government is needed to cope with the many problems of the metropolitan area as a unity, the popular mood is to break up and return power to those warring factions—racial, economic, religious, geographic—that have in numerous cases turned a city into a no man's land.

Is there then no hope? There is—if we putter less within present cities and start planning a national push-pull to decongest urban America. Our answer is not in new mayors but in new cities; not in urban re-

newal but in urban "newal," to use planner Charles Abrams' felicitous word.

We cannot juggle the 70 per cent of the American people around on 1 per cent of the land area to solve the urban mess. We are compelled to think in terms of new towns and new cities planned for placement and structure by public action with public funds. "All of the urbanologists agree," reported *Time* amidst the 1967 riot months, "that one of the most important ways of saving cities is simply to have more cities." The National Commission on Urban Growth Policy proposed this summer that the federal government embark on a program to create 110 new cities (100 having a population of 100,000, and ten even larger) over the next three decades. At an earlier time, the Advisory Commission on Intergovernmental Relations proposed a national policy on urban growth, to use our vast untouched stock of land to "increase, rather than diminish, Americans' choices of places and environments," to counteract our present "diseconomics of scale involved in continuing urban concentration, the locational mismatch of jobs and people, the connection between urban and rural poverty problems, and urban sprawl."

New towns would set up a new dynamic. In the central cities, decongestion could lead to real urban renewal, starting with the clearing of the ghost blocks where nobody lives and ending with open spaces or even some of those dreamy "cities within a city." The new settlements could be proving grounds for all those exciting ideas of city planners whose proposals have been frustrated by present structures—physical and political. "Obsolete practices such as standard zoning, parking on the street, school bussing, on-street loading, and highway clutter could all be planned out of a new city," notes William E. Finley in the Urban Growth report. These new towns (cities) could bring jobs, medicine, education, and culture to the ghost towns in rural America, located in the counties that have lost population—and income—in the past decades. Finally, a half-century project for new urban areas would pick up the slack in employment when America, hopefully, runs out of wars to fight.

The cost would be great, but no greater than haphazard private developments that will pop up Topsy-like to accommodate the added 100 million people who will crowd America by the year 2000. Right now we grow expensively by horizontal or vertical accretion. We sprawl onto costly ground, bought up by speculators and builders looking for a fast buck. Under a national plan, the federal government could buy up a store of ground in removed places at low cost or use present government lands. Where private developers reach out for vertical space, they erect towers whose building costs go up geometrically with each additional story. On the other hand, as city planners have been pointing out for a couple of decades, "it has been proved over and over again by such builders as Levitt, Burns, and Bohannon" that efficient mass production of low-risers "can and do produce better and cheaper houses." Cliff dwellings cost more than split-levels.

The idea of new towns is not untested. "There is little precedent in this country, but ample precedent abroad," notes the Committee on Urban Growth. "Great Britain, France, the Netherlands, the Scandinavian countries—all have taken a direct hand in land and population development in the face of urbanization, and all can point to examples of orderly growth that contrast sharply with the American metropolitan ooze." To the extent that the U.S. has created new communities it has done so as by-products: Norris, Tennessee, was built for TVA to house men working on a dam; Los Alamos, Oak Ridge, and Hanford were built for the Atomic Energy Commission "to isolate its highly secret operations."

What then is the obstacle to this new-cities ideas? It runs contrary to the traditional wisdom that (a) where cities are located, they should be located, and (b) that the future ought to be left to private enterprise. Both thoughts are a hangover from a hang-up with *laissez faire*, a Panglossian notion that what is, is best.

The fact is, however, that past reasons for locating cities no longer hold—at least, not to the same extent. Once cities grew up at rural crossroads; later at the meeting of waters; still later at railroad junctions; then near sources of raw material. But today, as city planner Edgardo Contini testified before a Congressional committee, these reasons are obsolete. "Recent technological and transportation trends—synthesis rather than extraction of materials, atomic rather than hydroelectric or thermoelectric power, air rather than rail transportation—all tend to expand the opportunities for location of urban settlements." Despite this, the old cities, by sheer weight of existence, become a magnetic force drawing deadly densities.

Furthermore, concluded Mr. Contini and a host of others, "the scale of the new cities program is too overwhelming for private initiative alone to sustain, and its purposes and implications are too relevant to the country's future to be relinquished to the profit motive alone." The report of the Urban Growth Committee stresses the limited impact of new towns put up by private developers such as Columbia, Maryland and Reston, Virginia. "They are, and will be, in the first place, few in number, serving only a tiny fraction of total population growth. A new town is a 'patient' investment, requiring large outlays long before returns begin; it is thus a non-competitive investment in a tight money market. Land in town-size amounts is hard to find and assemble without public powers of eminent domain. Privately developed new towns, moreover, by definition must serve the market, which tends to fill them with housing for middle- to upper-income families rather than the poor."

The choice before America is really not between new cities and old. Population pressure will force outward expansion. But by present drift, this will be unplanned accretion—plotted for quick profit rather than public need. What is needed is national concern for the commonweal in the location and design of new cities: a kind of inner space program.

#### MANY POLLUTION PROBLEMS ASSOCIATED WITH ENERGY USE

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. DINGELL. Mr. Speaker, the Joint Committee on Atomic Energy is conducting hearings on the environmental effects of producing power, and House and Senate conferees are meeting to resolve differences in the two bodies' versions of the related Water Quality Act of 1969 and the National Policy on Environmental Quality Act.

In connection with these on-going activities, I would like to bring to my colleagues' attention a timely report on the general subject of environmental pollution associated with energy use, prepared by Rupert Cutler of East Lansing, Mich., for use in fulfillment of a resource development policy class assignment at Michigan State University. Mr. Cutler, a graduate of the University of Michi-

gan's School of Natural Resources, is pursuing graduate studies at MSU following 14 years' experience on the staffs of the Virginia Commission of Game and Inland Fisheries, the National Wildlife Federation, and the Wilderness Society.

The text of the report follows:

#### MANY POLLUTION PROBLEMS ASSOCIATED WITH ENERGY USE

(By M. Rupert Cutler)

Anyone who tries to inform himself in some depth with regard to the pollution problems which may be created by the continued use of our present means of producing electricity and powering our surface and air transportation machines will end up wanting to recommend that immediate changes of emphasis be made in Federal and State regulatory, research, and development policies in these fields.

If we continue to build larger and larger conventional steam-electric stations and if we permit millions of new vehicles powered with internal combustion engines to roll off our assembly lines every year for many more years, we could make our environment unlivable.

Consumption of energy in all forms is growing at an annual rate of three to four percent. The electric power demand in the United States—and in Michigan—has doubled about every 10 years, and this growth rate is expected to continue. Yet the present "state of the art," in the power and energy fields, is very inefficient. This in itself is unfortunate when the limited "fund" or non-renewable resource characteristics of our coal, oil, gas and uranium supplies are considered. More challenging are the adverse health, safety, and environmental impact aspects of our conventional power systems, particularly when they are simply enlarged, and enlarged again, to provide the energy needs of an affluent and expanding population.

#### ALTERNATIVE POWER SOURCES NEEDED

However, those who would urge our governments to turn their research and development attention and their financial backing to new power and energy approaches, such as electrogasdynamics, magnetohydrodynamics, thermionics, solar energy, tidal power, hydro power from glacier-melting, heat from the earth's core (geothermal steam) and garbage incineration for electrical generation; low-friction, refrigerated underground power lines to permit power plant construction farther from cities; and practical steam and electric cars and more attractive forms of mass transportation, find themselves in somewhat the same difficult posture as that of someone pleading for more money for development or discovery of biological pest controls, to take the place of nonselective and persistent chemical biocides such as DDT.

Just as chemical manufacturers have opposed limitations on the use of their products and resist the appropriation of public funds to discover alternatives to them, so may we expect coal, oil, nuclear power and internal combustion engine-manufacturing interests to attempt to hold us on our present power-and-energy course, short-sighted though it may be. As the radioactivity, heat, oil spills and oxides of carbon, nitrogen, and sulphur in the air increase, interest will have to increase in the development of less dangerous means of producing power and energy.

Nuclear power appears to represent the gravest threat yet to our environment. While, at present, nuclear power plants provide only about one percent of the nation's 260 million kilowatts of generating capacity, some 120 nuclear-powered steam-electric-stations are expected to be in operation in the U.S. by the mid-1970's, generating a total of some 95 million kilowatts. By 1980, the nuclear share will be 30 percent of an estimated total U.S. generating

capacity of 530 million kilowatts. (Canada is in this ballgame, too; one-third of Ontario's power is expected to come from nuclear reactors by 1980, and nuclear plants also are being built in Quebec and Manitoba.)

#### "NUKES" MAY BE DANGEROUS

The "nukes," as they're called, will be built near large cities. Most will be of a size never before attempted by scientists and engineers. (Only 13 nuclear plants with a total capacity of less than three million kilowatts are operable today, but the Pacific Gas and Electric Company is about to construct an eight million kilowatt power plant on the California coast north of Santa Barbara.) These plants could be termed gigantic nuclear experiments. Although every safety precaution is taken, still they are capable of exploding as a result of human error in construction or operation, releasing clouds of radioactive particles, killing thousands of people, injuring many thousands more, doing billions of dollars of property damage, and making agricultural restrictions mandatory for hundreds of thousands of square miles.

(Even the "planned releases" of radioactive pollution, from such sources as commercial and test reactors, nuclear ships, uranium mills, plutonium factories, and fuel reprocessing plants, totaled about 13 million curies per year between 1955 and 1965. And fallout due to bomb testing, reactor and nuclear transportation accidents, and possible escape of stored high-level radioactive wastes—10,000 million curies of radioactive wastes are in storage—was not included in this total. Concentrations of Iodine-131 in cattle thyroids in wide areas of the western United States have been traced to exhaust gases from nuclear reactors and associated fuel processing plants . . . and the age of the atom has just begun.)

By 1995, according to a U.S. Public Health Service estimate, we will have two billion gallons of self-boiling, "hot" radioactive wastes on hand in large steel tanks shielded by earth and concrete. This material stays radioactive for hundreds of years. Hopefully, these tanks will never rupture or be mishandled.

#### RADIOACTIVITY CONCENTRATED BY PLANTS

Even in the normal, day-to-day operation of civilian nuclear-powered steam-electric stations, a small amount of radioactivity usually is lost into the surrounding air and water . . . and it may reach man, eventually, through the condenser-cooling water he drinks at some downstream point and through the food he eats: crops irrigated with slightly radioactive water; fish from streams and lakes where radioactivity has been concentrated in algae at the base of the food chain; and meat from livestock which has grazed on plants which have absorbed radioactivity from the air.

Radiation has been positively linked to cancer, leukemia, brain damage, cataracts, sterility, genetic defects and mutations, and shortening of life. Those who find themselves subject to these afflictions may ask with justification that we turn away from atomic energy as a source of electricity production as soon as it becomes practical to do so.

Not only must we worry about our utility company technicians' ability to handle safely the 200 radioactive isotopes produced as by-products of reactor operation, but we must brace ourselves to cope with the fantastic demands of nuclear power plants for cooling water, soon to be the greatest single withdrawal use of water.

#### THERMAL POLLUTION

Heated waste water discharges are termed "thermal pollution" when they deny a beneficial and desired use, such as when they de-

plete a desired game fish population and destroy a river, lake or coastal area's recreation values.

Fortunately, the national thermal pollution load potentially about to boil all our surface waters has a chance of being dissipated without great harm to the environment, through the use of water-cooling systems at each power plant—if they are installed at every plant requiring them from an ecological standpoint.

Proponents of nuclear fuel are fond of pointing out that it does not require vast transportation and storage facilities to supply the power plant (one pound of uranium, completely consumed, provides the heat equivalent to 2.7 million tons of coal) and that it does not require oxygen to "burn", thus causing no direct air pollution from combustion.

However, one must also note that current nuclear technology involves use of only about one percent of the potential energy of uranium, savings on nuclear production of electricity can only be gained by construction of huge plants, and our known uranium reserves may run out before the end of the century if used at the contemplated rate. Disposal of nuclear waste leaves much to be desired, and there is always the possibility of a nuclear explosion.

#### WASTE HEAT KILLS FISH

But of most relevance here is the fact that current nuclear electrical techniques produce 50 to 60 percent more waste heat per kilowatt than combustion-steam methods of electrical production. The result is forecasts like this:

By the year 2000, one-sixth of the normal daily watershed runoff in the U.S. will pass through the cooling system of an electrical plant. On the Atlantic seaboard, stream and river flow during most of the year will be used 150 percent for cooling purposes through re-use. (Already, one river in the East has reached a temperature of 143° F. downstream from a nuclear plant, although generally the "once-through cooling process raises water temperatures "only" from 10 to 30 degrees.)

Heated water is more likely to be cloudy and "salty," and it will hold less dissolved oxygen. The value of water for drinking, recreation and industrial use normally decreases as the water temperature increases. Higher-temperature waters which contain organic nutrients (this could include sewage) provide ideal conditions for the development of slime or nuisance aquatic weeds. When these plants die, taste and odor problems in drinking water result. Changes in environmental temperature completely disrupt aquatic ecosystems; eleven fish kills attributable to thermal pollution already have been reported to the Federal Water Pollution Control Administration.

#### LOCAL EXAMPLES

Challenging local situations include these in Lake Michigan and in Washington State:

In Lake Michigan, all existing fossil-fueled power plants operating at full capacity now discharge 300 trillion British Thermal Units per year in cooling water. Within five years, seven nuclear power plants are going to be built on the shores of Lake Michigan which by themselves will add an additional 388 trillion BTU's per year to Lake Michigan. Within 15 years, steam power plants on Lake Michigan will require more water per year for cooling than flows into the lake annually from all of its major tributaries. The rise of the temperature in Lake Michigan may not rise one-tenth of a degree annually, but the temperature of the water at power plant outfalls may rise substantially, damaging aquatic ecology in that vicinity. (And if evaporative cooling towers are used by these plants, by the year 2000 they may consume half as much water as is used by the City of Chicago.) Goodbye, coho salmon?

On the Columbia River in Washington State, with the development of electric power at the Atomic Energy Commission plant at Hanford, the river's temperature has risen 7° F., to a level critical to the survival of salmon fingerlings and conducive to the spread of a deadly bacterial fish disease, columnaris. Goodbye, chinook salmon?

#### COOLING SYSTEMS MUST BE USED

Because only part of the heat input (coal, oil, gas or fissionable material) is converted directly into electric energy in any thermal plant, the remainder of the heat from the fuel must be safely rejected to the environment. This is usually done with cooling systems using large quantities of water. The water is used to condense the steam after it has passed through a turbine.

The three types of thermal plant cooling systems in normal use are (1) the "one-through" system (most common) where the cooling water is taken from a suitable source, pumped through a condenser, and the treated water returned to the original body of water; (2) two types of cooling towers, the "wet" tower, in which the water is cooled by direct contact with the air (vapor plumes from these huge towers may result in fog, mist and ice) and the "dry" tower (considered an excellent system by conservationists) in which water is cooled inside a coil around which air flows similar to an automobile radiator; and (3) the cooling pond—actually a good-sized reservoir—which requires at least one and one-half acres of cooling pond water surface per megawatt of installed capacity. This reservoir can have recreational benefits as well.

Large evaporative-type cooling towers, as broad as a football field is long and one and a half times greater in height, are in use in England. Water discharged in a thin film is cooled by the draft created by the tower through evaporation, then recirculated to the condensers. Large amounts of water are lost in this process—up to 25,000 gallons of evaporated water per minute.

The "dry" automobile-type system is more expensive, but it is the best solution. Heat transfer takes place through an exchanger directly into the air without evaporation. (The Alabama and Georgia Power Companies plan to use this closed system cycle approach at their new Chattahoochee River and Altamaha River nuclear plants.)

Some plants now under construction will utilize a variation of the once-through system involving diffuser pipes to create turbulence and produce a rapid and complete mixing with the river water of the warm-water discharge. Large underwater pipes will extend across the bottom of the river, with thousands of small holes perforating the face of each pipe through which the warm water will be discharged and rapidly cooled by thorough mixing, to keep river temperatures within prescribed limits.

#### EVAPORATION LOSS GREAT

About 20 acre-feet of water are lost to evaporation for every 1,000 kilowatts of electricity generated in conventional steam-electric stations. Thus, the 1.5 million kilowatt Mohave steam plant under construction on the lower Colorado River in southern Nevada will consume about 30,000 acre-feet of water a year, and the huge coal-fired steam generating plants now under construction in the Four Corners area of Arizona, Colorado, New Mexico and Utah, with a total capacity of 15 million kilowatts will consume 300,000 acre-feet of water a year at a cost to other beneficial ones of \$30 billion—a sizeable loss.

One-third of the yearly freshwater runoff in the U.S. is expected to be required to cool steam-electric station condensers within 30 years, when some two billion kilowatts of electricity may be generated. Conditions may well prevail for substantial fish kills. And, according to the Sport Fishing Institute, no

one can say at this time that this waste heat has beneficial value, because there has not been one practical demonstration of utilizing the waste heat from steam electric stations other than under local and restricted domestic management of oyster production.

What should be done? The President's Office of Science and Technology, in a report contributed to by the Atomic Energy Commission, the Federal Power Commission, the Departments of the Interior and Health, Education, and Welfare, the Rural Electrification Administration, and the Tennessee Valley Authority, has optimistically predicted that, with coordinated planning, these new power plants can be fitted into the landscape and designed so as to have a minimal impact on the surrounding environment, while providing the low-cost, reliable, safe power we will need. And the Vice-President's National Council on Marine Resources and Engineering Development is thinking in terms of thermal "enrichment" for the Great Lakes. Now, let's go beyond that rosy view.

#### OUR LIFE SUPPORT SYSTEM ENDANGERED

Traditionally, power companies have only needed to meet local zoning requirements to build thermal plants. There has been no requirements that power companies secure any approval for the construction of a thermal steamplant from any Government agency, except for nuclear plants which have to get an AEC license, although Michigan now requires Water Resources Commission approval of thermal and other discharges. We find ourselves, however, at a stage of development where the non-expandable, ecological portion of our life support system may be endangered by the expanding industrial portion, and additional restrictions on thermal inputs to the water environment are necessary.

One problem with the Atomic Energy Act of 1954 is that it does not authorize the Atomic Energy Commission to attach conditions to its construction permits to control thermal and other non-radiological sources of pollution. The Commission's regulatory authority is restricted to consideration of radiological health and safety and the common defense and security.

Senator Muskie, who found the Corps of Engineers and the Atomic Energy Commission arguing in hearing after hearing that their primary authorizations take precedence over water quality requirements, contends that the AEC should be conditioning its construction permits on inclusion of water-cooling plans now. A 1966 Presidential order require Federal contractors to comply with Federal water quality standards, and the licenses granted by the AEC constitute contracts, he maintains. But the AEC has been reluctant to saddle the infant nuclear power industry with water-cooling restrictions while coal, oil and gas-fuel power plants escape regulation.

(Conventionally fueled powerplants only need Federal permission for construction from the Corps of Engineers when their construction plans include structures on navigable waters. The coal industry lobby kept coal-fired plants from being included under the permit requirements of the Water Quality Act of 1969. TVA does not have to obtain a permit from anyone to build its huge steam-electric stations.)

#### TEMPERATURE STANDARDS BEING ADOPTED

Under the Water Quality Act of 1965, the Secretary of the Interior could require the setting of standards by the states to deal with thermal pollution from all sources. This process appears to be under way now; all of the states either have adopted or are in the process of adopting temperature provisions in their water quality standards for interstate waters.

Because the Atomic Energy Commission has had no jurisdiction to consider the environmental effects of its licensing function,

the potential hazards of thermal discharges have not received adequate pre-installation consideration. Some federal agencies have tried to come up with thermal pollution preventive programs, including the Department of the Interior, the Federal Power Commission, the Atomic Energy Commission, and the Corps of Engineers. The AEC can control construction and radioactivity levels of nuclear plants, and has asked the Department of the Interior to review nuclear power plant proposals before the AEC approves them. These Interior Department reviews have been made primarily by the Bureau of Sport Fisheries and Wildlife and the Federal Water Pollution Control Administration.

While the FWPCA has called attention to potential thermal pollution problems and has recommended necessary control measures, it has no direct authority to require inclusion of facilities such as cooling towers or other devices as a condition for the licensing of nuclear power plants, even though the current Federal Water Pollution Control Advisory Board to the President went on record in December, 1968, as recommending "that no new thermal power generating facility be built without full and comprehensive consideration by state agencies and by the FWPCA of water pollution problems caused by the discharge of heat and a full study of solutions to these problems."

The Federal Water Pollution Control Administration is being advised by the Subcommittee for Fish, Other Aquatic Life and Wildlife of the National Technical Advisory Committee to the Secretary of the Interior on Water Quality Criteria, as to temperature limits for various species of fish for various latitudes of the U.S., and is conducting its own National Thermal Pollution Research Program at its Pacific Northwest Water Laboratory at Corvallis, Oregon. The National Water Quality Lab at Duluth also is studying the problem.

#### THE WATER QUALITY ACT OF 1969

Under the Water Quality Act of 1969, if it passes Congress this year, agencies such as the AEC, which now contend they have no legislative authority to consider environmental values, will be given the authority, the responsibility, and a directive to do so . . . either this or the States will be charged with certifying that any thermal discharge is in substantial compliance with appropriate water quality standards. This certification would be required before any utility could obtain any Federal license or permit required by law for construction which would result in any discharges into the navigable waters of the United States. Without the required State certification, no Federal agency could issue a construction license or permit. Moreover, if the certification is obtained and the license or permit is issued, it must contain any conditions which the Secretary of the Interior finds necessary to insure compliance with the water quality standards of any downstream States which might be adversely affected by discharges from the licensed facility.

Unfortunately, not all non-nuclear powerplants will be subject to these new controls. Coverage of coal, oil, and gas-fired powerplants was opposed by representatives of the coal industry during the subcommittee's hearings on the legislation.

In Michigan, power companies and the State are attempting to work out sound procedures and regulations to protect the environment. Using information gained from present research projects, the State hopes to be able to predict—and require, where necessary—appropriate restrictions on waste heat inputs to the water environment prior to the operation of new generating facilities that are now in the planning stages. In Michigan, new uses of water for waste disposal—including heat discharges—require a permit issued by the State Water Resources Commission which contains detailed instruc-

tions necessary to protect the receiving waters from impairment, tailored to protect the unique aquatic resources and legitimate uses of the receiving waters.

#### PUBLIC MUST SUPPORT CONTROL

Michigan's Governor William Milliken put the burden on conservationists when he recently stated, "I am confident that a successful program for the control of thermal pollution is a realistic goal, but only so long as the public continues their aggressive active support."

Thermal pollution control standards were established in August of 1969 by New York's Water Resources Commission, and Governor Rockefeller formally announced his was the first State government to do so.

Senator Gaylord Nelson recently suggested that the President's Environmental Quality Council organize federal-state-local task forces to make thorough analyses of proposed nuclear power plant projects and develop recommendations for action for the consideration of all levels of government. These would be undertaken in full cooperation with the power company involved, not to frustrate plans to meet escalating power needs, but to assure that the facility will be managed on standards which will preserve other important values and benefits to society.

Carlos Fetterolf of the Michigan Water Resources Commission put the problem in this light:

"Biologists have seen the aquatic environment degraded by one source after another. Each one started out as 'just a little bit which won't hurt anything' and then grew to unmanageable proportions. The control of thermal discharges is not an intolerable economic hardship, especially when viewed in conjunction with overall pollution control. The attitude of doing as little as possible to protect our waters must give way to a philosophy that it is essential for man today to assume the responsibility of insuring future generations their rightful legacy of clean water."

#### DAMS DESTROY SCENIC RIVERS

As compared with steam-electric stations which pose a difficult thermal pollution challenge, water power, or hydro power, offers few pollution problems. Twenty percent of the electric power generated in the U.S. today is hydroelectric, the non-Federal half of which is regulated by the Federal Power Commission. Under the Federal Water Power Act of 1920, the FPC is not supposed to issue a license for a hydroelectric project unless it can find that the project will be "best adapted to a comprehensive plan of development of the water resources for power and all other beneficial uses, including fish and wildlife resources, involved."

The FPC may require special facilities in the interest of fish and wildlife at the licensee's expense, but it can't replace the natural river and associated fish and wildlife habitat—not to mention rich agricultural lands—lost under the power reservoir; in this context, some might call a power dam and its fluctuating reservoir "esthetic pollution." Western big game winter range is particularly susceptible to irreplaceable losses resulting from dam construction.

When water passes through a hydroelectric plant, there is substantially no change in its temperature—no thermal pollution effect—but oxygen-depleted waters from deep in the reservoir can be released to the detriment of downstream aquatic life, and downstream areas can be de-watered when water is held back in reservoirs. The reservoirs themselves can become unsightly mud flats when drawn down for power production. Dams cut off salmon, shad and other migratory fish runs.

Further study of many small, isolated, high-cost hydroelectric generating plants now is being abandoned by the Interior Department in favor of a transmission grid system for larger generation plants, but Interior still talks about building a huge dam on the Yukon River in Alaska to provide

some four million kilowatts to power North Slope oil and mining developments.

Another controversial project is the proposed Dickey-Lincoln School hydro dam the Corps of Engineers would like to build on the St. Johns River in Maine. It's 830 megawatts of nonpolluting power versus wild river canoeing opportunities, north woods wildlife, and productive spruce forests, in this instance.

#### OIL POLLUTION OPPORTUNITIES NUMEROUS

Electricity generation presently accounts for only about 20 percent of total U.S. fuel consumption. All of this fuel poses pollution problems in its extraction, transportation, and combustion. Oil and gasoline usually have to be brought to their place of use from a long way off. This fuel has to be transported, refined, and transported again before it's burned. This involves tanker ships or pipelines, refineries, tanker train cars or trucks, and stack or exhaust emissions.

Let's talk about tankers first.

Our coasts are regularly hit with destructive oil spills, usually caused by thoughtless tanker captains who, as soon as they reach open water, eliminate residue oil from their ballast tanks and bilges. This oil covers our outer beaches like asphalt. Then there is a tremendous potential for tanker accidents. Of the ships involved in trade along the Atlantic Coast, for example, one vessel in every five carries oil as its principal cargo. Rigid certification of these tanker crews might help assure a more responsible attitude, more technical skill, and fewer accidents.

During the *Torrey Canyon*, *Ocean Eagle*, *Santa Barbara* and other serious spills, it was found that the injudicious application of chemicals designed to clean up oil spills may bring as much damage to the fish, birds and other natural resources as the oil itself. Safe guidelines and standards are needed for these chemicals.

#### SUPERTANKERS CAN HAVE ACCIDENTS

The seven major American oil companies who own almost half of the total tanker tonnage operating under the American flag have realized immense savings with the introduction of the giant 200,000- to 500,000-deadweight-ton tankers. A 200,000-ton tanker can carry 55 million gallons of crude oil, and future tankers may carry up to 84 million gallons of oil each.

Compare this with the reported 231,000 gallons spilled from Unon Oil's rig off the *Santa Barbara* coast. If such a tanker broke up on the rocks off Machiasport, Maine, for example, where New England forces are proposing construction of an oil refinery, the Northeast Coast would have a disaster which would dwarf both the *Santa Barbara* episode and the *Torrey Canyon* wreck.

From a cost standpoint, if a 200,000-gross-ton tanker were to break up off the coast of the United States and if the cost of the cleanup were only \$118 per ton, the total cost would be \$23.6 million. Even under the proposed Water Quality Act of 1969—a bill which would prohibit the discharge of oil into the navigable waters of the U.S. from tankers or on-or-off-shore facilities—the limitation of liability is established at only \$125 per gross ton or \$14 million, whichever is the lesser, for any spill not the result of negligence or a willful act. Thus, the U.S. could be stuck with a \$10 million cleanup bill for such an accident even if this legislation—a great improvement over present ambiguity—passes Congress.

The recent success of the tanker *Manhattan* in breaching the Northwest Passage for commercial purposes will spur construction of a fleet of immense supertankers, to transport oil from Alaska's North Slope to the United States East Coast. Already, one oil company has ordered two supertankers to move oil from the North Slope of Alaska to California.

Other oil-transportation pollution threats

include (1) oil slicks associated with the pumping out of oily ballast water by tankers adjacent to terminals (this will become a major headache in the Valdez, Alaska estuary at the terminus of the Trans-Alaska Pipeline from the North Slope); (2) the 800-mile, 48-inch Trans-Alaska Pipeline itself, which could leak under the Yukon River or at some other ecologically sensitive point; (3) spills in the oil fields; and (4) accidents involving tanker trucks, railroad tank cars, oil and gasoline river barges, and oil storage tanks at "tank farms" and refineries.

#### TONS OF AIR POLLUTION PRODUCED DAILY

Air may be one of those "best things in life" that is free, but the United States is busily contributing 180 million tons of air pollution into the world's atmosphere annually.

In Los Angeles, oxides of nitrogen emitted by various air pollution sources are used to track down causes of smog and related phenomena. There, automobiles produce 68 percent of these oxides daily, electric power generating plants come in second with 14 percent, oil refineries contribute 4 percent, and the heating of homes and offices on cold days results in 6½ percent of the nitric oxide production. As a stopgap, automotive engineers have proposed simply retarding the spark on car engines to reduce cylinder temperatures and cut nitric oxide emissions. This should reduce smog, which is formed when nitric oxide picks up another atom of oxygen to form nitrogen dioxide.

But we have far to go: In January, 1967 in Los Angeles County, gasoline-powered motor vehicles accounted for 12,465 tons out of a total of 14,610 tons, or 85.3 percent, of contaminants emitted into the ambient air daily. The new air pollution control devices on cars are reducing the hydrocarbon and carbon monoxide emissions, but are not catching the nitric oxide . . . or the toxic lead, which refineries can eliminate if they have to.

#### CARS THE MAJOR CAUSE

Nationally, the "infernal" combustion machine is blamed for 60 percent of all air pollution—84 million tons annually—and for causing pulmonary emphysema, chronic bronchitis, lung cancer, genetic mutations, degeneration of pulmonary functions, increased sensitivity of various allergic conditions, acceleration of pre-existing heart disease, numerous other kinds of respiratory and circulatory diseases, and even the common cold.

Another result of all this "hard" matter in the air is the screening off of heat from the sun. In the last 20 years, according to Reid Bryson of Wisconsin University, the world's temperature has dropped one-third of a degree because of this effect. A drop of only four degrees, Bryson says, would bring on another ice age.

Air pollution first loomed as a major U.S. problem in 1963, when 809 people died in one air pollution catastrophe in New York City. Now—finally—the federal government is spending \$2½ million for development of a non-polluting engine, while one Bill Lear is spending \$10 million of his own money toward the same end.

Says conservationist Arthur Godfrey: "One billion for supersonic aircraft versus a paltry 2½ million for non-polluting engine development—which one has the priority? Let's get real brave, and stop this stupid private automobile jam that goes on for 20 hours out of every 24 here and in all big cities! Let's provide fast, electric or steam buses on all avenues and all streets and ban all private cars and taxi-cabs, and tell the trucks to get rid of their stinking diesels and gas engines and switch to electric or steam or get out."

#### COMBUSTORS FOR JETS NEEDED

Let's look at airplanes. Here's one example of the problem:

The Federal Aviation Agency estimates that, on a typical day, some 35 tons of pollut-

ant's are spewed over our Nation's Capitol from planes landing and taking off from Washington's National Airport.

Answer: Pratt and Whitney has just developed a combustor which will render all future jets smokeless, and they have a process whereby their existing engines can be retrofitted with the same result—no smoke and no pollution. A \$15 million appropriation will buy pollution-free conversions for the 3,000 jet engines already in the U.S. commercial fleet; let's take that step quickly.

Even outboard motors are guilty; they dump overboard, unburned, 10 to 33 percent of the gasoline-oil mixture that is required to run them . . . and seven million of these motors are in daily use in the United States. Technology to the rescue, please!

#### LOW-SULFUR HEATING FUELS SHOULD BE USED

As far as industrial and heating fuels are concerned, sulfur is the culprit. Smoke, soot, fly ash and dust, mixed with sulfurous gases, hurt vegetation and mar stone and metal.

Three approaches are being used in this field: changing fuels (from high-sulfur-content coal or oil to low-sulfur coal or oil or to natural gas); taking the sulfur out of the smoke at the smokestack; and taking the sulfur out of the fuel. The federal Clean Air Act, which authorizes appropriations specifically for research into air pollution problems involving fuels and motor vehicles, is likely to be extended by Congress this year to offer some hope in this area.

At least three other pollution areas also are linked to power and energy production: sulfuric acid pollution of surface waters from coal mine drainage (which would cost \$6.6 billion to clear up, according to the Federal Water Pollution Control Administration), solid wastes (to be studied by a new National Commission on Materials Policy under a proposed amendment to the Solid Waste Disposal Act of 1965), and noise pollution, including sonic boom. Unfortunately, there are no criteria which indicate the various levels of noise which affect the health and welfare of the people. Nor, for that matter, are there criteria on which local or even national esthetic judgments can be based—a whole separate pollution area.

#### LET'S HAVE PROGRESS WITHOUT ENVIRONMENTAL CHAOS

Our problem was described by Jean Mayer, a population expert and Special Consultant to the President, writing recently in Columbia Forum: "Rich people occupy much more space, consume more of each natural resource, disturb the ecology more, and create more land, air, water, chemical, thermal, and radioactive pollution than poor people. The population of the U.S. is headed toward 300 million in the next quarter of a century; our Gross National Product will reach a trillion dollars in the next two years. This explosive combination of people and money will produce even greater demands for more cars, dams, lumber, fuel, food, roads, land. These demands will lead, unless checked, to more pollution, garbage, trash, noise, desecration—and leave much less beauty to evoke our capacity for wonder."

It also was eloquently summed up by Dr. Rene Dubos of Rockefeller University, in paper prepared for a UNESCO biosphere conference in 1968:

"Everywhere, societies seem willing to accept ugliness for the sake of increase in economic wealth. Whether natural or humanized, the landscape retains its beauty only in areas that do not prove valuable for industrial and economic exploitation. The change from wilderness to dump heap symbolizes at present the course of technological civilization. Yet the national wealth we are creating will not be worth having if its creation entails the raping of nature and the destruction of environmental charm."

While some of our leaders take a "survival of the fittest" attitude toward our environ-

mental crisis, others, including Congressman Richard L. Ottinger, believe Americans should move to protect themselves by adding a "Conservation Bill of Rights" to the U.S. Constitution declaring the right of the people to an unpolluted environment.

And conservation leaders in the United States Senate expressed these convictions in October of this year on the Senate floor:

Senate Interior Committee Chairman Henry M. Jackson: "An environmental policy is a policy for people. Its primary concern is with man and his future. The basic principle of the policy is that we must strive, in all that we do, to achieve a standard of excellence in man's relationship to his physical surroundings. If there are to be departures from this standard they will be exceptions to the rule and the policy. And as exceptions they will have to be justified in the light of public scrutiny. The National Policy on Environmental Quality Act will provide the American people with a policy that is in the interest of present and future generations."

Senate Water Pollution Subcommittee Chairman Edmund Muskie: "We cannot afford to fight our environmental battles on a crisis-by-crisis basis, nor can we afford to shut down tomorrow on the basis of today's fears. By development of meaningful methods of measurement of environmental impact, through development of standards-setting procedures at the local level, through careful analysis of existing and future land uses, we can begin to order our progress without environmental chaos."

Our task as citizens: simply to see that we do have progress without environmental chaos. As voters and constituents, we can make it happen.

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## FREEDOM OF THE PRESS—IN DANGER

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. O'HARA. Mr. Speaker, as a private citizen named Richard Nixon said in his book, "Six Crises":

I am sure that no candidate is ever completely satisfied with the press coverage given his activities.

The dissatisfaction that former private citizen may be feeling these days has been the subject of considerable concern lately—concern provoked by the speeches of his close associates, the Vice President, the Director of Communications, and the Chairman of the FCC.

In a column appearing today in the *New York Post*, Clayton Fritchey points to the emerging pattern of an administration-wide challenge to all the news media:

[From the *New York Post*, Nov. 19, 1969]

PRESS AND PRESSURE

(By Clayton Fritchey)

WASHINGTON.—The reason Vice President Agnew's attack on television is being taken so seriously is the growing realization that it is not just a flash-in-the-pan blast at TV, but the opening gun in a deliberate Administration challenge of all the news media.

Since the Vice President has little power in his own right, his now famous speech

could be dismissed as of small consequence if he were merely speaking for himself. But the evidence is mounting that he was speaking for the Administration.

Even before Presidential Assistant Clark Mollenhoff acknowledged that Agnew's attack "was developed by various White House aides" it was no secret to the Washington press that Nixon and his inner circle were fuming over the somewhat negative reaction of some television commentators to the President's Nov. 3 speech on Vietnam.

Hence, it was no great surprise to learn officially that the Agnew television indictment was actually instigated by the President's staff. Now, however, comes the more significant admission that it is really aimed at all the media, including the printed press.

Mollenhoff freely admits the Agnew statement represents the Administration's concern "that it is not being fairly treated by the news media." This has since been confirmed by Herbert Klein, director of communications for the Nixon Administration, who says the meaning of the Agnew speech is that "all media needs to reexamine itself."

This should not come as a shock to those who have known Nixon over the years, for the President has an old score to settle with the press (especially the written press).

Nixon has not tried to disguise his feelings. After his 1962 gubernatorial defeat in California he held a press conference and angrily said: "Now that all the members of the press are so delighted I lost, I'd like to make a statement . . . you won't have Nixon to kick around any more."

He felt so bitterly toward the daily press, that he even praised television. "I think," he said, "that it's time that our great newspapers have at least the same objectivity, same fullness of coverage that television has, and I can only say, 'Thank God for television and radio for keeping the newspapers a little more honest.'"

Television, licensed by the government, is obviously susceptible to Administration pressure; and, despite the Constitutional protection of free speech, the daily press is also vulnerable. After all, many of the nation's most valuable television properties are owned by newspapers.

Finally, the government can, if it sees fit, systematically undermine public confidence in all media. This is a greater concern to some of the television industry than potential monetary loss. The temptation will be to lean over backwards to prove its fairness to the Administration. All the major networks, for instance, went to the unprecedented length of telecasting Agnew's speech on prime evening time.

During his campaign last year, Nixon sought to smooth over his old feud with the media. "The press," he said, "is very helpful to me now . . . After 1962, the press could have said, 'Let's give it to the S.O.B.' but they didn't do it." In his book, "Six Crises," Nixon put it more frankly when he wrote, "I am sure that no candidate is ever completely satisfied with the press coverage given his activities." What is true of candidates is even more true of Presidents—all Presidents. Most chief executives, however, are treated rather indulgently by the press, in their first year in office (as Nixon has been) so they seldom denounce the media until after they have been in the White House longer than Nixon has been.

## PRESIDENT NIXON'S STAND ON VIETNAM

HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. ROTH. Mr. Speaker, I have received a communication from the dis-

tinguished Council of Polish Societies and Clubs in the State of Delaware advising that the delegate body voted unanimously for the following resolution in support of President Nixon's stand on the Vietnam policy. I would like to insert the text of the resolution at this point in the RECORD:

As loyal and patriotic American citizens we go on record supporting President Nixon's stand on the Vietnam policy.

We are denouncing the members of Congress who supported the moratorium on October 15th, as their action literally demands that the United States yield to the enemy.

#### DISTRICT OF COLUMBIA ABORTIONIST SENTENCED IN MARYLAND

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. RARICK. Mr. Speaker, yesterday I called to the attention of our colleagues the action of U.S. District Judge Gerhard A. Gesell in holding unconstitutional a significant portion of the District of Columbia law prohibiting criminal abortion. The likelihood of creating an abortion mecca in the Nation's Capital as a result of that decision is a matter with which we should be very much concerned in the exercise of our plenary legislative power for the government of the District of Columbia.

The conviction and sentencing in Maryland of the same abortionist who benefited from Judge Gesell's ruling in Washington, underscores the necessity for prompt action by the Congress, or the Government, or both to foreclose the possibility of a thriving abortion industry in the Nation's Capital.

I include as part of my remarks a news article from the Washington Post of November 19, 1969:

#### DR. VUITCH GETS YEAR FOR ABORTION IN COUNTY

(By Richard M. Cohen)

Dr. Milan M. Vuitch, the physician who successfully challenged the constitutionality of Washington's abortion law, was sentenced yesterday to a year in jail and fined \$5,000 for performing an illegal abortion in Montgomery County.

In rejecting the argument of Vuitch's lawyer, former state's attorney Leonard T. Kardy Jr., that "jail is not the answer for him," Circuit Court Judge Ralph J. Shure leaned over the bench at the physician and declared: "I have little sympathy for you." Vuitch, Shure said, showed a "sense of pride" rather than remorse.

"Your attitude in respect to abortion in general is not, I repeat, not acceptable in this state," Shure said.

Vuitch, 54, appeared unmoved by the sentence. He immediately posted \$10,000 bond and was freed pending an appeal. Under Maryland law, the 54-year-old Yugoslav immigrant could have received three years in jail and a \$5,000 fine. Yesterday, Shure suspended two years of the sentence.

The Silver Spring surgeon, who told county officials his 1967 income was between \$150,000 and \$160,000, was convicted July 7 of performing an illegal abortion in his office on a 19-year-old government secretary

on Nov. 23, 1968. Maryland's 1968 law permits abortions—under certain circumstances—in accredited hospitals but under no circumstances in a doctor's office.

Kardy, as state's attorney until 1966, earned the enmity of civil libertarians for his zealous prosecution in the controversial Giles-Johnson rape case and for a drive against "dirty books." Yesterday, he quoted proponents of abortion reform in an attempt to have Vuitch's entire sentence suspended.

"This is a nationwide trend," Kardy said in paraphrasing an expert he had heard on local television. "This is not the taking of human life.

"It's just a piece of tissue," he continued. "You're taking a piece of tissue from a woman and you're not taking a human life. . .

"Jail," he went on, "is not the answer for him. He's not a housebreaker. He's not a forger. His crime is that he terminated a pregnancy. . . in his office, not in a hospital. She was not injured and society was not damaged."

Before passing sentence, Shure asked Vuitch if he would like to make a statement. "I feel that the law is an unworkable law . . . limiting the activities of a physician," Vuitch responded in a heavy accent. "No other surgery in the State of Maryland has to be done in a health institution."

In rejecting Kardy's pleas that Vuitch, as a medical man with a family and real estate in the county, should be given special consideration, Shure leaned heavily on FBI files that indicated Vuitch had been arrested "12 to 14 times" for alleged abortions. Citing newspaper interviews with the candid physician who described himself as a crusader, Shure said Vuitch showed "a total lack of repentance."

"The presentence investigation indicates that you are not new in the business. . ." Shure said at one point.

Vuitch has been arrested a total of four times in Montgomery County, once in Fairfax and once in the District. One Montgomery charge was dropped when a witness refused to testify but two others are still pending. The Fairfax arrest resulted in a hung jury and the District lost its case when Judge Gerhard A. Gesell ruled Nov. 10 that the law was too vague to be constitutional.

"I think he proceeded according to his best judgment," Vuitch said after Shure sentenced him. "We are going to appeal the decision."

Should Vuitch lose his appeal, he probably would lose his license to practice medicine, a county official said.

In October, Vuitch announced that he had purchased the 14-bed Laurel General Hospital in Laurel. He said he intended to add 100 beds to the hospital. Ownership of the hospital, he acknowledged, would allow him to operate within the law.

#### TRIBUTE TO RAY BORST

### HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. McCARTHY. Mr. Speaker, on November 1 of this year, Ray Borst, one of the great news correspondents of this era, passed way. Mr. Borst was for many years the Capital correspondent for the Buffalo Evening News. It was my good fortune to get to know Ray when I was a cub reporter on the News in the early 1950's. He had few peers among political reporters anywhere. His reporting was praised by everyone for its straightforwardness. He saw his job simply as finding the facts and writing the story. I am including in the RECORD the follow-

ing article which first appeared in the Albany-Times Union and later in the Buffalo Evening News. It was written by another former newsman, our former distinguished colleague, Leo O'Brien, a native of Buffalo, who expresses better than I can the loss that all those who knew Ray must feel:

#### AN EX-CONGRESSMAN'S TRIBUTE TO BORST: ONE OF THE DOZEN GREATEST REPORTERS

(By Leo O'Brien)

(NOTE.—The following column by Leo O'Brien, retired congressman and newspaper correspondent, appeared in the Albany Times-Union following the death Nov. 1 of Raymond I. Borst, veteran Albany bureau chief of The Buffalo Evening News.)

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 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.

## PROBLEMS OF POSTAL EMPLOYEES

### HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. UDALL. Mr. Speaker, there have been a number of commentaries concerning the recent House-passed pay bill, H.R. 13000, which is presently before the other body. One of the better statements on this bill is one that was recently published in the Washington newspapers by the United Federation of Postal Clerks. It is a fair explanation of the problems that are facing a great many of our Federal employees. So that the other Members of the House may have an opportunity to see this message, I am inserting it at this point in the RECORD:

#### AN OPEN LETTER

To the Congress of the United States and the 200 million citizens they represent: President Nixon has invented a new political weapon: the veto-in-advance.

He used it this month for the first time by injecting it into House debate on H.R. 13000—the pay raise bill for Federal employees, sponsored by Rep. Udall (D-Ariz.).

It arrived on Capitol Hill in the form of a "Dear Jerry" letter to House Minority Leader Gerald Ford but the House recognized it anyhow. So it mustered a two-thirds majority to over-ride the pre-veto. The vote was 310 to 52 in favor of the pay bill.

Now we urge the Senate to pass H.R. 13000. We hope the Senate can marshal a big majority. Strict constructionists may argue that a two-thirds vote is not needed to over-ride a pre-veto. But clearly, it will be needed. Soon or later.

Meanwhile, back at the "Dear Jerry" letter, we find ourselves in total disagreement with Mr. Nixon's view that the Udall bill is inflationary or gives disproportionate benefits to postal employees.

We sympathize with the President's concern over inflation. Better than most we know how much it hurts.

But we are also fed up to here with being chosen again as the sacrificial goats.

It is immoral for the Government of the United States to imprison us in a wage structure that has been so substandard for so long that some postal clerks are being forced onto public welfare to make ends meet!

Postal clerk are the victims of inflation, not the cause of inflation.

"Dear Jerry" letters trying to deny us catch-up pay come with poor grace from a

President whose salary is double that of his predecessor.

It will hopefully not be given credence by a Congress which boosted its own wages 41% in a single leap.

Only a year ago, as the Republican candidate for President, Mr. Nixon told our postal clerk union in a personal message that he "wholeheartedly supports" the Republican platform provision for insuring comparability of Federal salaries with private enterprise pay.

Mr. Nixon thus joined a distinguished list of Presidents from Mr. Eisenhower, to Mr. Kennedy, to Mr. Johnson, who had made similar pledges before him. In more than 10 years none of these pledges has been fulfilled.

The Udall pay bill, H.R. 13000, brings us close to comparability at long last. But now Mr. Nixon opposes it.

#### WHAT A DIFFERENCE A YEAR MAKES

Most people really don't know—and may find it hard to believe—just how bad wages and working conditions are in the postal service today.

The situation smacks of medieval times. We cannot strike. We have no binding arbitration. It takes up to 25 years to reach the top pay step. And 97% of all postal clerks finish their careers right where they started—in the same grade!

Our bargaining rights are a joke.

For decades we have urged Congress to give us at least some of the labor-management structure which employees in private industry have had as a matter of right for half a century.

A year ago the Republican candidate for President promised to sponsor legislation which would establish a statutory basis for collective bargaining and union organization in Government.

Where is it?

We can't even get a promised revision of the Kennedy presidential executive order which has long since outlived its usefulness as a temporary expedient for union recognition.

Postal management, meanwhile, has been cheating us out of millions of dollars in overtime!

After two years in the Federal courts of Washington, D.C., at our members' expense, we finally won a declaratory judgment from the U.S. Court of Appeals last February.

It put a stop to violations by the Post Office Department of Public Law 89-301 which was supposed to eliminate compensatory time off in favor of overtime pay.

Despite a unanimous decision by three judges that the Department's acts under the Democratic Administration were illegal the Republican Administration has now appealed to the Supreme Court. Obviously these ingenious but illegal procedures have a non-partisan fascination for management.

As for wages: postal clerks' annual earnings are \$824 smaller today, on the average, than were the wages 17 months ago of employees in private industry holding jobs of equivalent skill.

The Government's method of calculating comparability guarantees that postal clerk salaries at any given time will always be at least a year and a half behind the private sector.

Yet President Nixon says the Udall bill, H.R. 13,000, gives disproportionate benefits to postal employees.

There are also people who choose to remind us that Congress has already enacted six Federal pay raises since 1960—so how long does it take to catch up?

They have short memories. They forget to count the five presidential pay vetoes by Mr. Eisenhower between 1952 and 1960 which put us so far behind the rest of the nation that we haven't caught up yet!

Disproportionate?

Joseph Young who writes the syndicated Federal Spotlight column in The Washington Star pointed out recently that most federal classified employees during their careers get a chance to advance to higher grades through promotion—but not postal employees. "Giving (postal employees) extra 'bonuses' on rare occasions such as that represented by the pending pay legislation," he added, "would not mean the end of the Republic nor the destruction of the merit system."

But it might—it just might—have a stabilizing effect on the postal service.

For some postal employees stability can only be found on the relief rolls. Public welfare, that is.

It may come as a shock but thousands of urban postal clerks and their families are literally eligible for supplemental welfare.

Most Federal employees are too proud to apply but in our larger cities there are postal clerks who have had no choice in order to feed their families.

Thousands of others moonlight—by working at a second job.

Why, then, do they stay? They don't. The latest official figures available to us show that the annual turn-over among more than 300,000 U.S. postal clerks exceeds 45%!

That's at least seven times the total considered tolerable by private industry.

These are the simple bread-and-butter facts—the hard core economics—that have created the most militant employee unrest in the long history of the Post Office Department.

This wave of discontent, with all its ominous implications, doesn't come from the hippies, the bippies or the dippies. It doesn't come from the Far Left, the Far Right or the Far Anything.

It comes from citizens—your neighbors—the men and women who have tried to fulfill their lives in honorable careers with the postal service.

They feel bewildered by the imbalance of their economic condition. They feel betrayed by the broken promises of politicians. They feel degraded by vicious and continuing attacks from the rich and powerful—who know little about the Post Office—and most of what they know is wrong.

Help us restore the morale of the postal service.

Help us restore dignity to the postal service.

Help us restore faith in the postal service. Enact H.R. 13,000 over the pre-veto—over any real veto—and in fulfillment of pledges long past due.

Speaking on behalf of the Nation's 304,000 postal clerks as their exclusive representative in collective bargaining and labor-management relations with the Post Office Department.

FRANCIS S. FILBEY,  
President, United Federation  
of Postal Clerks, AFL-CIO.

## SAVING THE TULE ELK

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. BROWN of California. Mr. Speaker, soon the tule elk may exist only in memory or by means of verbal description, photographs and drawings. As have the bison, the California grizzly, the eastern sea mink, the Florida and Newfoundland wolf and the Badlands bighorn, these dwarf elk are in danger of permanent extinction.

Now, Congress has the opportunity to

save this rare animal, and I urge my colleagues to join with me in this endeavor.

For hundreds of years, vast herds of elk, deer, and antelope roamed California's San Joaquin and Sacramento valleys. But as the frontier pushed westward, the animals became compressed into smaller and smaller living areas, and needless mass slaughters followed.

By the early 1870's, the massacre was so devastating that only a few tule elk survived; an 1885 count found only 28 animals still alive.

Through persistent efforts of many conservationists, the herd of tule elk remained relatively protected since those slaughters. At present, around 400 elk are scattered throughout California. But, according to Federal officials, any species numbering under 2,000 animals can be termed "endangered" and the threat of extinction for the tule elk continues today.

The largest current tule elk herd resides in California's Owens Valley, where a major battle rages between commercial interests and those persons who believe that the herd should be permitted to expand.

Owens Valley is owned, and leased out, by the Los Angeles City Water and Power Department. The grazing land is grudgingly shared by the elk and by commercial cattle herds. As a compromise with cattlemen, by arrangement with the State department of fish and game, the tule elk herd size strays controlled at around 250 animals. When the herd exceeds that limit, authorized elk hunts are permitted, and these killings push the herd back to the compromise level.

I find such a policy in regards to an endangered species to be senseless.

True, unlike cattle, tule elk provide no short-term monetary payoff. Yet, is that to be our guideline in deciding which animal species shall continue to live? Perhaps these dwarf elk are not profit-makers, but they do have many other qualities which makes them valuable in our society. According to the Tule Elk Habitat Management Plan by Inyo National Forest administrators:

High aesthetic appeal is attached to this animal by nature lovers and outdoorsmen. Naturalists and conservationists place great significance on this animal because of its uniqueness.

I think the limits on the Owens Valley herd are extremely unrealistic. A quick epidemic, or any other natural disaster, could easily wipe out the entire small herd.

Fortunately, legislative action can be taken which will benefit both the cattle interests and the elk. Obviously, more grazing land is needed and, as an initial step, I have introduced H.R. 14603, which authorizes the Interior Department to study feasibility of establishing a national wildlife refuge for tule elk preservation.

Already, too many animals native to this continent have vanished because they could not adapt to the presence of man and his civilization. Most of the time, such extinction has been completely unnecessary. The tule elk are in danger, and we have a chance to reverse this

process, to protect and save them at very little real cost to ourselves.

#### PERHAPS HARVARD SHOULD RE-OPEN UNDER NEW MANAGEMENT?

### HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. WYMAN. Mr. Speaker, as an alumnus of Harvard University—LL.B. 1941—it troubles me that fair Harvard should allow students like Richard Hyland to remain in good standing at the university after making such statements in writing as, "If I were not afraid of being caught, I would blow up the Center for International Affairs."

It seems to me that it is only fitting and proper that any student who makes such a statement should be called before a university hearing board and asked if he did say this, and if he stands on it? If so, he should be expelled, just as any student who "occupies" the president's office without permission, or who vandalizes university property, or who physically assaults a faculty member or dean, should be expelled.

Such a university policy would be understandable and just. There really is no other responsible course of action unless universities themselves are to exist at the pleasure of anarchists.

If students do not wish to attend a university that insists on rules of order let them quit. There are thousands upon thousands who would eagerly take their place.

Perhaps even fair Harvard would be better off if it were to open its next semester with a new administration and a set of rules to which all who wish to attend are required to agree to abide by or stand forfeit of their tuition as well as their scholarship if that be their case. One cannot avoid the feeling that both the universities and the country as well as the great majority of students across the Nation would be the gainer from such a change.

In this connection today's comments by the distinguished columnist Joseph Alsop in the Washington Post are of interest:

#### NEW LEFT'S ASSAULT PRESENTS LURID PICTURE AT CAMBRIDGE

(By Joseph Alsop)

CAMBRIDGE, MASS.—If you come to this ancient university city nowadays, what you find is downright lurid. The assault upon academic freedom by the New Left is far more ugly, and the response of the academic community is far more flabby, than any outsider has as yet suggested.

It began this fall with a physical attack on Harvard's virtuous, medium-woolly Center for International Affairs by members of the Weatherman faction of the SDS. Scholars were beaten up. The center was thoroughly vandalized. As raids go, in fact, this one was a marked success.

Various members of the Harvard faculty sent tut-tutting letters to the Crimson. But no one seems to have been very much surprised or shocked when a member of the editorial board, Richard Hyland, also wrote in the Crimson:

"If I were not afraid of being caught, I would blow up the Center for International Affairs."

Furthermore, it was the state of Massachusetts, rather than Harvard University, that started prosecution of those raiders who could be identified. One of those being prosecuted is Eric Mann, a Weatherman leader who has apparently severed his university connections to become a full time New Left stormtrooper.

In the MIT newspaper, Tech, this same Eric Mann was more recently quoted as advocating beating up such "criminals" as Professors Lucian Pye and Ithiel de Sola Pool, of MIT's Center for International Studies.

Mann made these interesting proposals at a meeting of the November Action Committee. This was a loose confederation of many New Left groups; and it was then organizing an attack on MIT's great Instrumentation Laboratory, as well as on the Center for International Studies.

MIT's President Howard Johnson, instead of resisting the proposed attack on the Center for International Studies, chose to close the center down on the day the attack was planned. The precedent thus set seems odd, to put it mildly. But police were used the next day, to repel the November Action Committee's attack on the Instrumentation Laboratory.

The background of these attacks was interestingly provided in Tech on Nov. 12, by that publication's columnist, Bruce Schwartz. One thing, wrote Schwartz, needed to be "made clear" as part of his generally sympathetic postmortem.

"This was not a week of antiwar protests . . . it would not be justice to (the November Action Committee) or to (the Rosa Luxemburg Chapter of the SDS) to call it anything but a week of revolutionary actions . . . at least 200 of the people who . . . participated in the planning sessions made their positions very clear:

"They are indeed revolutionaries, Socialist-Communist revolutionaries dedicated to the overthrow of the government and political social system of the U.S. This is the key to the NAC position, 'Support the NLF.' They consider themselves the ALF."

Or consider the case of George Katsiaficas. He is described in another student paper as "informing the (MIT) corporation of (a night march) on President Johnson's residence by 300 SDS and Black Panther members" and repeating "the demand (the marchers) had made that MIT immediately give \$150,000 to the Black Panther Party."

Yet this same Katsiaficas was one of the three students named by the MIT administration to sit in judgment on the great laboratory on the so-called Pounds panel. Another of the first-chosen students was Jonathan Kabat, a leader of the Science Action Coordinating Committee, which is a small group of MIT students dedicated to halting all defense research at MIT. And the third was the like-minded Marvin Sirbu.

Even so, Kabat was not satisfied. He demanded appointment to the Pounds panel of a student-ally, Jonathan Lerman, and a faculty-ally, Professor Noam Chomsky. This demand was meekly yielded to. And as the stenographic record of the Pounds panel proceedings quite clearly shows, Kabat was further permitted to veto representation on the panel of the dedicated scholars doing defense-research at the I-Lab.

This reporter has previously called the Pounds panel a "stacked jury." If you read that stenographic record, however, you find it was more like a star chamber proceeding. And here is the real point. All the persons have a perfect right to any political views they choose to adopt. But star chamber proceedings—and even worse—must automatically result when academic communities

meekly yield to the menaces of New Left storm-troopers.

## THE FOURTH ESTATE UNDER FIRE

### HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. MIKVA. Mr. Speaker, a long-simmering debate about news coverage on network television has exploded in the wake of Vice President AGNEW's address on November 13, 1969. That his remarks have fostered open debate about the issue is fortunate. What is unfortunate is that a high administration spokesman, the Vice President himself, has taken the unprecedented step of publicly threatening network television in the process of raising a legitimate issue.

As Lester Bernstein of Newsweek magazine observed:

Buried in Agnew's simplistic distortions and self-serving rhetoric is a nugget of truth: a relative handful of TV network newsmen wield vast influence as the stewards of the most vivid and powerful medium in the land.

This is an issue well worth examining. Many critics of news coverage, whether on the media or in papers, seem to imply, however, that news-gathering institutions engage in no self analysis. I do not believe that this is so.

For example, an NBC news special report, "The Fourth Estate Under Fire," was recently presented by broadcast station WMAQ of Chicago. The program offered a wide range of viewpoints commenting on the quality of the "establishment" news media. Centering on newspaper reporting, interviews were made with representatives of the "underground press," the major newspapers of Chicago, and pioneers of successful news reporting.

The presentation deserves attention, in the aftermath of sudden controversy, for both its balanced format and its constructive tone. As the program sought to present all viewpoints, so it strove to improve the role of news reporting in society. If the growing debate about the news media is to be fruitful, I believe that it must divest itself of acrimony and "self-serving rhetoric." In my opinion, WMAQ's "The Fourth Estate Under Fire" illustrates the kind of debate that is fruitful.

I commend a transcript of the program to the attention of my colleagues:

#### THE FOURTH ESTATE UNDER FIRE

RON DORFMAN. By Thursday or Friday of Convention week, the top editors and publishers had begun to take a look at what was coming out in the papers and saying, wait a minute we can't do this to our city.

JAMES RIDGEWAY. I worked on some of these papers and I know pretty much what they do. If you're a working journalist, you know what you can get away with, what you can print and what you can't. I don't really care too much what they do, put it like that. To me a lot of it is irrelevant.

CURTIS MACDOUGALL. I do a lot of speaking on this subject of freedom of the press and there are so many deep rooted prejudices against newspapers particularly for inac-

curacies and invasions of privacy and sensationalism, etc. A great deal of it is just a normal revolt against the bearer of bad tidings.

BUDDY McHUGH. One of the most interesting murder stories I worked on was the St. Valentine Massacre. I got a very lucky break that day and was one of the first reporters up there—and the Moran gang—the seven gangsters were laying up against the wall shot . . .

JOHN DIENHART. We had a great city editor by the name of Frank Busty Carson and Carson wanted the diary and the police refused to release it and said they were holding it for the inquest the following day. So Carson went out—it was during prohibition—and Carson went out to the Chicago Avenue station about midnight with a pint of whisky, dropped in on the sergeant, introduced himself and said I just happened to be in the neighborhood, and being a chilly day, I thought maybe you'd like to have a drink.

McCUEN. The war in Vietnam, racial troubles at home, and other bad news that Americans read, hear and watch have created what appears to be a fearful, public mood for Newspapers and Television and Radio. Many blame the bloody events of the Democratic National Convention in Chicago last year for the public's attack on the news media. Further—campus kids have launched their own offensive at the established news media, the corporate press, and radio and TV. More than 300 underground newspapers and magazines have sprung up in the United States, conceived to protest the established codes of social behavior. Many also wonder what ever happened to what they thought was the sacred cow of the Fourth Estate—objective reporting. This special report examines the Fourth Estate Under Fire.

ANNCR. WMAQ presents The Fourth Estate Under Fire—Your reporter, Charles McCuen.

McCUEN. Part one, the Upstart Press. One of the better, upstart magazines, the Chicago Journalism Review, was founded last October by young professional newsmen, volunteering their talents and time after the bloody convention. They wished to cool their deep frustration against the established press and quickly won support for the Review from sympathetic readers. Circulation of the Review rose quickly as did the magazine's business loans. No pictures or art could be afforded in the first 6 page issue of the monthly review which sold for fifty cents a copy. However, caustic headlines for the convention items ran like this: "One Step Forward, Two Steps Back" and "Some News That Didn't Fit In Print." But, there were many photographs and art in the 16 pages of the year old Review along with a regular, front page cartoon by the Pulitzer Prize winner Bill Mauldin. Today, CJR's Managing Editor, Ronald Dorfman, has quit Chicago Today, a Tribune owned afternoon newspaper, to run the Review at a salary of \$12,500.

McCUEN. One of the aims of Dorfman and his fellow editors is to improve the quality of journalism by protecting the individuality of reporters and giving them a direct readership. The reporter, says Dorfman, is closer to the shadow of reality than the publisher. Although, the Chicago Journalism Review offers reporters a platform to prevent their egos from being gobbled up entirely by the corporate press, they do their thing using the unvarnished truth and unvarnished opinion.

DORFMAN. I think our basic conception of what's news and what's not news is in need of some overhauling. I think that the notion of objectivity, which we made into a little stone idol, is in need of a major overhauling. And I think generally that newsmen have to take a much broader conception of their role in the society. The true role of the newsman is that of an educator.

The news media is what passes for continuing education in our society; that's how we find out about each other and about the world. And I think that all too often that not only the publishers but the editors and reporters themselves have much too limited an understanding of society and too limited a notion of what their function is. You're not going to tell anybody anything new or anything they should know by simply screaming about the latest crime on the subway or the newest big fire.

McCUEN. The Chicago Journalism Review is moving boldly on a course of interpretative reporting, presenting frequent, critical essays rather than hard news facts. But that is the purpose of the Review, its staff says. Despite its possible intellectual flaws, the Review has many avid readers from the ranks of professional, seasoned journalists. Among them is Curtis McDougall, a sort of rebel himself and nationally distinguished professor of journalism at Northwestern University.

MACDOUGALL. Today, they're recommending interpretative journalism which I have advocated for 25 years, but today it is not enough to just investigate the background of this little group of black students on this particular campus; or, the grievances of this group, black or white, against the administration because the interpretation has to be nationwide today. It has to be worldwide. And what's happening on the campuses is not different than what's happened to our entire economy, what has happened to educational institutions is something that's happened to newspapers and all other institutions in our economy. They've become narrower and narrower in their control. They've gone—passed into the hands of administrators and investors and have lost sight of the social world.

McCUEN. Professor MacDougall's robust career spans more than a half a century as a working reporter, editor, teacher and author. He has written numerous books on journalism, among them a classic textbook, Interpretative Reporting, published 30 years ago, revised four times since and still current for all students of the news media. Dr. MacDougall earned his doctor's degree 36 years ago. For the past 27 years, he's been a journalism professor at Northwestern, but admits he's still a frustrated reporter and still anti-establishment. The Professor says he is frightened by the growing tendency of governmental censorship.

MACDOUGALL. It's very hard to point out that progressively since 1951 when Harry Truman instituted the classification of news, there has been a progressive censorship of government at all levels, particularly in Washington—but permeating the states and communities, too. But, it has meant that there has been no public discussion based on information of any important event in relation to our foreign policy beginning with the U-2 incident, Bay of Pigs, missile crisis, Dominican Republic and down to Viet Nam—there has been a continuous fight on the part of the news gatherers to overcome the censorship. You can't tell the truth if you can't get it. The frustrated journalists six months or a year later can resign and write a book, and many of them have; and, they've heard of the historians in straightening out the record, and by that time there was a new crisis; and, I've tried to alert League of Women Voters and church groups and political groups and civic groups of all kinds to a greater consideration of this matter of news management. Now, while Lyndon Johnson was president, a fellow on the Washington Post invented the phrase credibility gap and that caught on. There was nothing different under the heading that we've been talking about under the heading of news management for 15 years before that. But, then it became translated politically to mean—Lyn-

don Johnson was a liar. Well, yes, L.J. was and is a liar. But, believe me, he has no monopoly on it. His predecessors were liars and everybody around him in Washington are still liars. Just yesterday I had a long time, experienced Washington correspondent say to me—it is terribly frustrating to work in the nation's capital when you realize from morning to night almost everybody you meet from the President of the United States down is probably lying to you.

McCuen. At 32, James Ridgeway has worked for Newsweek, the Wall Street Journal, free lanced for three London Newspapers, worked as associate editor for the New Republic, and wrote a book expose on the modern university; a year ago in Washington, Ridgeway co-founded a small, weekly investigative newspaper, *Hard Times*, of which he is editor. Ralph Nader, the consumer advocate, is a publishing consultant for the four page weekly. Ridgeway says it was established with the idea of giving the editors a direct crack at an audience. He admits *Hard Times* is a muck-raker.

Ridgeway. We do a good deal of just sharp muck-raking in Washington, government policies, etc. To give you an example, we were discussing the J. Edgar Hoover Foundation, which was the subject of a big article in *Life*, I think, a month ago. We were discussing it last fall. We'd been digging around the FBI, dug up a lot of stuff about them. We did a lot of work on the campaign contributions to the Republican party in the fall. We did a long expose and analysis of Arnold, Fortes and Porter, the law firm which former Justice Fortes came from—showed how it was influential in running the cigaret lobby, operating general politics in Washington.

Howard. There are definitely two sides to the story in Viet Nam. Well, not even now are we getting both sides of the story. We don't have the side of the story that the National Liberation Front has been—we don't have their side of the story—what they've been fighting for. There is nothing sympathetic toward their side of the struggle that has ever been written in the establishment press in this country. And their struggle is a legitimate struggle. It's a struggle for the freedom of their people. So I say No—the U.S. Press does not show both sides of the story.

McCuen. At 28, Allan Howard is an editor of the *Liberation News Service* in New York, a weekly purveyor of printed news to underground newspapers in the United States. The average fee for the service ranges from \$15 a month to \$500 a year. As Allan, a Fulbright scholar, would tell you, *Liberation News* was formed two years ago at the time of the Pentagon demonstration by editors associated with the *College Press Service*. The college editors, he says, had observed distorted reporting by the established press of the anti-war demonstrations and felt there was a need for an independent news service. Allan Howard says in his own words, he sees great world-wide corporations controlled by a few thousand . . . hundreds of millions of poor people living and working as virtual slaves of these corporations . . . that, there will never be peace in the world until the slaves gain control of the institutions that now control them . . . that, people must choose sides in this war . . . that, there is no middle ground . . . that, the man who does not join this revolt stands in its way . . . and, that, the purpose of the *Liberation News Service* is to aid this global revolution in every way it can. Allan Howard explains how the editorial staff operates at *Liberation News Service*, which serves 300 underground newspapers:

Howard. What we're trying to do is—we want to build a new society. We know we can't build it—but we're going to play a small part in it, and part of that vision of the new society is like people relating to each other in a different way. Like there's no boss at L and S. Decisions are not voted on.

People sort of reason things out and we come to some sort of consensus.

McCuen. One of *Liberation News's* subscribers is a classy, two-section bi-weekly newspaper, *Kaleidoscope*, sold in Milwaukee but printed 20 miles to the North in Port Washington by the Ozaukee Press, which publishes newspapers of its own. Although, William Schanan Junior, prize winning founder of the Ozaukee Press, only prints *Kaleidoscope*, angry citizens of the Port Washington Area have boycotted his own three newspapers since last June. His son, Bill, explains:

Schanan. A very rich man in Grafton which is a community within ten miles of here saw a copy of *Kaleidoscope* and was apparently incensed by what he saw. He met with other people in Grafton around here and they drafted a letter that went to 500 merchants and business men in this county; and with it was an excerpt of a rather outrageous tract of *Kaleidoscope*. The letter suggested that we were responsible for this piece of writing and that the committee should then withdraw its advertising. We heard from our biggest advertisers in about two days. They came over—one came over and announced he was withdrawing his advertising. The rest just removed their advertising. It all happened within a week. Within a week we had lost eighty percent of our advertising volume.

McCuen. For the Schanans this meant possible disaster for Ozaukee Press, a leading newspaper for 30 years in that part of Wisconsin. The Schanans did attempt to pacify the 40 advertisers who joined the boycott:

Schanan. We've met with them, but the merchants are fearful. They've been told by a number of people that if they advertise, they'll lose their business. People threaten to stop shopping if they advertise. It hasn't been a great many people, but it's been enough to get them excited.

McCuen. Part Two of the *Fourth Estate Under Fire* examines the other side and other opinions. The *Fourth Estate Under Fire* . . . A probing look at journalism today continues after this message.

Not all journalists are unhappy with the corporate press. A seasoned journalist, Frank McNaughton, at 60, heads a public relations firm in Chicago, after working 21 years with *United Press* and *Time-Life* in Washington. At *Time-Life* McNaughton was chief congressional correspondent during the administrations of President Roosevelt and President Truman. McNaughton would like to see more investigative reporting and more in-depth reporting. And, in some ways he thinks the newspapers are not sufficiently critical of the social and economic political establishment. But, despite its shortcomings, McNaughton is optimistic about the quality of today's journalism:

McNaughton. First, I believe that the American public is better informed today in depth on all issues than it has ever been before. The second point that I would like to make is that I think the newspapers, radio, TV have a higher quality, a better educated type of reporter, more college graduates, more in depth students of economics and social trends, political issues than was the case when I first started in as a reporter. You've got more college graduates on the newspaper reporting staffs and on the editorial staffs than ever before. And I believe that anyone can find fault—certainly no human institution reaches the ideal.

McCuen. The recruitment of college students to newspaper work today is reported rather difficult. One therefore wonders what ever happened to the glamour of the *Front Page* that drew thousands attempting to follow in the footsteps of Ben Hecht and Charles Mac Arthur. But, that milestone drama of sensational journalism was first produced on Broadway 41 years ago. Today

a great many students of journalism are drawn to the electronic news media: Radio and TV. The Chicago Tribune's 36 year old Day City Editor, David Halvorsen, says that talent is available—but not always in the form that you want it.

Halvorsen. One of the most difficult problems, and it seems to be a process of our education now, is that younger people coming up want to present their opinions to the readers and they want the *Tribune* and other papers to be a forum for them. Well, we understand this but they have to present the facts, the news of the situation, and they have to be able to 1, report, 2, research and 3, write. And you don't always find these three elements in one man. So the talent pool is not quite as big as one may think. This takes a process of good selection. It means you're going to lose some young people who become disenchanted.

Kirkpatrick. But we have found that some of the very best talent that comes into the *Tribune* comes in with people who are deeply interested in investigative reporting. There is a strong social conscience among a great many of these young people. And they want to set the world straight. And they want to correct injustice and they want to do some crusading and for these reasons they are highly motivated.

McCuen. To set the world straight . . . to correct injustice . . . so speaks Clayton Kirkpatrick, editor of the *Chicago Tribune* where he's worked for 30 years. Kirk says investigative reporting is a relatively new term in journalism though it's been going on for many years. Kirk says there's a new emphasis, however, on auditing public affairs and government officials because the government is so big. The average citizen can't be expected to know what goes on in the sanitary district, criminal courts, or the United States post office, he says. Kirkpatrick believes a newspaper is the public conscience and should campaign for a good cause just the same as would a private citizen. The *Tribune* was the only Chicago newspaper to campaign daily for many months in a gallant, but possibly futile, effort to save Lake Michigan from pollution. Kirkpatrick says today's greatest challenge in journalism is to get all the truth about this complex world reported, faithfully, accurately and honestly. Meanwhile, he points out, the American newspapers are struggling with a cost price squeeze and circulation declines—caused in part by radio and television. But, to those who think that newspapers may be dying or that the printed page ultimately will wind up on a home viewer's TV screen, Kirkpatrick comments:

Kirkpatrick. During the *Apollo Eleven Flight*, TV covered this thoroughly to the saturation point. I think at the time of the moon walk on July 20 and 21st, there were about 30 hours of television coverage, a very short period of time, everybody saw television and yet at the same time, they wanted to see the same thing; they wanted to see it on paper; they wanted to see it in print; they wanted to see it in pictures; they wanted something they could hold in their hand; and for this reason I think the printed word has a fascination. There is a satisfaction in it, which is encouraging to me. Our sales during that time were very good. Our circulation went up 110 thousand. We sold out. We had no more papers to sell.

McCuen. The conservative *Tribune* company, 122 years old, owns the *Tribune* and *Chicago Today*, competing with the moderately liberal *Chicago Sun Times* and *Chicago Daily News*, the ownership of which traces back to 1941. That year Marshall Field the Third plunged into the newspaper field at the encouragement of President Roosevelt. Today, at 28, Marshall Field the Fifth is the youngest publisher of a major newspaper—and the accent on youth continues, for the editor of the *Sun Times*, James Hoge, is 33.

Hoge's appearance and clothes are mod, as are young Field's. Hoge's challenge is to make the Sun Times appealing to a readership that is quite young also. The population, as Hoge says, is young and getting younger. Among his beliefs are: The World News is local news today. Editorial policies of the paper should not get to the point of where they're predictable. And Henry Luce was right when he said, "It's not important what we print—it's important what they read."

Hoge. We can leave newspapers or television aside for a moment and just look at the question of communicating. Obviously, people don't talk unless they want someone to listen to them. Writers don't write unless they want someone to read them. Now that doesn't mean that a writer writes only what he thinks a reader is willing to accept. He obviously wants to lead as well as to follow. It's an art. It's a judgmental question. I suppose it's why we have editors to make such judgments rightly or wrongly sometimes. I think a newspaper would be derelict in its job if it was not terribly concerned over the question of just how do we appeal to readers. Now that doesn't mean that you necessarily placate them—that you play to them. It does mean that you respect their right to have information presented in such a way that they will first of all read it, retain it and then possibly act upon it.

McCuen. It doesn't take much reasoning to know that if a newspaper wants to stay in business, it either has to show a profit or it has to have a rich uncle with strong principles. Unfortunately, PM's noble attempt to run a major daily in the post war Truman era without advertising was a complete failure, a bitter lesson for journalists to learn. But, there's more to it than that, and all of us know about it, that if you bite the hand that feeds you, you'll probably have to go hungry. While the advertisers themselves don't control directly the news you read, hear on radio, or watch on television, they can exert their influence. A good example of that is the Port Washington boycott against Ozaukee Press. And if you're going to throw some muck at politicians, senators or judges it's best you have some hard facts. Thorough investigative reporting is not the same as interpretative reporting and neither is completely objective—the news event, or the details behind the news event, are not as easily examined by the naked eye, trained as it might be, as for example probing moon rock under the objectives of a microscope. Objective reporting, therefore, is a misnomer. Instead, people should know that a good reporter responsible for his facts tries for objectivity but must be content to settle for fairness.

McCuen. The vice president and editorial director of the Chicago Sun Times and Daily News is Emmet Dedmond. A skilled news and feature writer, and author, Emmet Dedmond comments about objectivity in news writing:

DEDMOND. Objectivity is a different, difficult word because today we tell our reporters that a news story is incomplete unless it has interpretation in it. In other words, the sheer facts the reader presumably already has, what he wants to know is what the event means, how it's put into perspective. There are two ways of interpreting the story—one is to get the facts into the story, to organize them in such a way that it illuminates the story for the reader—that it makes the meaning clear. We approve of that way and we encourage our writers to do it. The other way is when the writer tends to load his story with colored words or adjectives and say this was horrible or this fellow was a goon, and this was a bad guy, which is not only sloppy writing, it's bad reporting. That kind of personal coloring we do not like, but we do feel that the writer who has been present, the reporter and writer who has been on the scene, has an obligation to tell it to the reader the way it is, the way he saw it, and give it personal perspective. Now that's what

we mean by objective reporting today, as well, as long as he is giving them the total picture of the facts and not merely giving them one side which happens to coincide with his personal, political leanings.

McCuen. The Fourth Estate Under Fire—a probing look at journalism today continues after this message:

Marshall Field the Fifth was born at the time his grandfather began competing with the Tribune company. Young Field has worked on other newspapers in Boston and New York, so he is no newcomer to a newspaper and to its executive decisions. The 28 year old Field relates the maxims of his father and grandfather when he says, "The audience in Chicago gets quite a choice of representation in the news if they want two sides to a story. All they have to do is buy a Tribune and a Sun Times the same day on the same story."

FIELD. I feel for instance that newspapers have a problem in the suburbs. We've grown in the suburbs. The Tribune, Chicago Today, Daily News, Sun Times—we've all grown in the suburbs. But we haven't grown at a pace that equals the growth of the suburbs itself. And, to me that says we're doing something wrong. They're getting information that they need somewhere else—the suburban individual. Now, it may come from somewhere else. It may come from television. It may come from suburban papers. It may come from magazines. But we haven't done the job we could do.

My goal is going to be that the Field papers should beat the Tribune company papers. It may be necessary for us to have suburban papers that are totally separate from the Sun Times and Daily News.

McCuen. The world famous political cartoonist, Bill Mauldin, at 48, is well remembered for his Willie and Joe satires of World War Two. Today, Bill Mauldin is twice recipient of the Pulitzer Prize and a prolific author and illustrator. A Mauldin cartoon amuses and fires up both the gut and the cerebral. Mauldin works for Marshall Field the Fifth's Chicago Sun Times and says that while he's in favor of private ownership of newspapers and broadcast stations, the only thing worse would be the bureaucracy and confusion of public ownership:

MAULDIN. The overwhelming majority, I think, of publishers and private owners of news media are concerned with profit primarily, and I think that's wrong. I think if people are concerned with profit primarily they should get into the mining business or some other form of commerce. If their first concern is making money, I think they ought to get out of newspapers and they ought to get out of anything else that has to do with public trust—because I think dissemination of news is primarily a public trust. I have nothing against publishers getting rich or making all the money they possibly can, if they first look after their responsibilities to the public. I think you can generally say that the press throughout the United States is primarily profit motivated, and I think that's wrong.

McCuen. Bill Mauldin says he has "nothing against a newspaper having a commercial side to it—We all have to make a living." But, he understands the enigma of a dedicated publisher whose double task is to print truth at a profit. While he cartoons for the Sun Times, Mauldin supports the case of the Chicago Journalism Review. It carries his cartoons on the front page. Telling it like it was, was the dictum and hope of the Review, for it was born during the aftermath of the convention.

MAULDIN. A lot of us felt—I know I felt that way in the beginning during these convention troubles—the Field papers did very well. In the vernacular of the day, they told it like it was. The papers on the other side of the street, the Tribune and the American,

tended with the sole exception of Jack Mabley, who was critical of the police in the beginning, they tended to be completely in Daley's pocket—in the pocket of the establishment, you might say. I think that the Field papers after telling it like it was for a few days, tended to retreat. Now, there are a lot of arguments about how far they retreated, but I think that generally could be said. I don't think that the Field papers were ever guilty of distortion, but I think we did sort of back off editorially and begin to equivocate.

MAULDIN. The first president that really sort of swam into my thinking processes was FDR, of course, so I've been thinking about politics and fooling around with them through FDR, through Truman, Kennedy, Eisenhower, Johnson and now Nixon. And, without exception, everyone of these people regarded the news media as something to be manipulated, not something to be served, and regarded news itself as something to be manipulated for their own interests of what they considered the best interests of the country.

McCuen. 31 years ago, Fred W. Friendly began his career in radio. And since that time he has become one of the most authoritative voices in the field of broadcast journalism. His distinguished career as producer of Hear It Now and See It Now for CBS, and his intimate working relationship with the late Edward R. Murrow—that with having served as president of CBS News, must give some credence to what he is about to say. Fred Friendly today is professor of journalism at Columbia University and an advisor on TV to the Ford Foundation. In his wisdom, Friendly takes broadcast journalism to task for not allowing enough time for reporting in depth:

FRIENDLY. Television and radio don't allot enough time to anything. Because the news of radio and television are a minority part of programming, even on the all-news stations which are an important step forward which are all news all day. But, if you ride in an automobile and listen after about 30 or 40 minutes you begin hearing the same stories over and over again. I think that radio and television don't do enough interpretative reporting, and you know the reasons for that. You don't want me to sound like a common scold and play an ancient record all over again, but it's very difficult. Eric Severid is one of the best interpretative reporters there is. So is David Brinkley, Chet Huntley, Elie Abel, but if you ask someone to do an interpretative piece on disarmament or whether we should go to the moon, or on the ghettos, and have to do it in two minutes, or two minutes and twenty seconds. That's very difficult to do. That's like the sin of the newspaper that says write it and do it in 600 words. A lot of stories you can't do in 600 words. A lot of stories you can't do in two minutes. And, the threshold of tolerance in radio and television seems to be don't talk to anybody for more than two or three minutes unless you do a big one hour documentary. And, if you do a one hour documentary, make sure it's on a subject of such combustible interest that everybody will sit on the edge of their chairs. Some stories are very dull but very important.

McPhaul. You know we always carried stars posing as policemen, coroner's office, and not long ago the newspaper guild filed a protest with the FBI—the FBI had been using men going around posing as reporters.

McCuen. Part Three of the Fourth Estate Under Fire concerns those colorful days and newspapermen of the Front Page era. Those were the men and women who lived and breathed the literary motto of the great editor Arthur Brisbane. His advice was simple enough: Be Brilliant. In those days, as told by veteran reporter and author Jack McPhaul, there was a lot of muscle reporting and impersonation. The heartbeat of the

Front Page in that period was without question local news.

The Fourth Estate Under Fire . . . A probing look at journalism today continues after this message:

In the Ben Hecht, Charlie MacArthur, or James Cagney days of reporting, the legmen learned how to run around obstacles or crash through to beat the rival newspapers. If they failed, they'd look for another job. Those were days of eight or ten newspapers competing in Chicago. Newsmen had to be sharp, aggressive and brilliant. Today, the muscle school has closed its doors with the retirement of another great Hearst Editor Harry Romanoff. Harry had been in the news business more than half a century.

ROMANOFF. Somebody said that I constantly posed for somebody else. It wasn't my fault that they misunderstood. And, it's really true. They said I've been the mayor, the governor, at one time the president. Not right if some people took that attitude, or else they mistook everything. I never will at any time misuse anything that I've done. I've enjoyed every minute of it. It's been fifty and some odd years. No matter what I did, I wanted to do it. I enjoyed it.

MCCUEN. Harry Romanoff, at 70, will tell you that the war and other social struggles both here in the U.S. and throughout the world are more important than a Lake Shore Drive love-nest-story. So, today's reporter no longer steals diaries. So, rather, he must be a headman. The last night Harry Romanoff worked at Chicago Today, he gave advice to his young reporters.

ROMANOFF. Today, you need journalism. You need a good education because the day has arrived by which civic culture, outstanding things in medical and electronic fields, are bringing a new world to us. And the newspaper man has got to come along with that new world just as well as the radio and TV must move into the new world. You've got great coverage in the news field as well. You've got great chances to do well. So, it's made the newspaper man think behind the news—what lies behind that—and they are doing that. Crime that's prevalent now gets only the back pages in very small amounts. The reason for it—because the world's moving on.

DIENHART. We were a group of young newspaper people. We had brilliant editors, among them Walter Howie, who is famous in the movie and stage play. The Front Page, written by Charlie MacArthur who worked on the paper. And we had several other great managing editors. And Radio and TV had not yet come on the market in the time that the Herald and Examiner came in to existence. And, the papers at that time sold and attracted buyers by their headlines. Every paper sought to have snappy headlines. Headlines that would attract the readers as they passed by a newsstand or approached a newsstand and saw four papers from which to choose.

MCCUEN. Still going strong at 76, veteran Chicago newsman John Dienhart (Deenhart) is now the executive editor of the Economist newspapers. Trained under the Hearst banners, John Dienhart believes in a brief, concise, brilliant style with emphasis entirely on the news. He grimaces at long winded stories, excessive pictures and features, opinions and interpretative reporting. His dish of news is—simply tell the facts, an old Hearst expression. Back in those days, Hollywood film producers had a heyday with the Front Page style of reporting. The authors of that great play, Ben Hecht and Charles MacArthur, had enough initiative, imagination and brilliance for a hundred newsmen:

DIENHART. Ben was a Bohemian with a small letter B. He had a mustache that was untrimmed and he wore slouch hats. He was

about five feet six. He worked on the Chicago Daily News. The Daily News at that time was on Wells Street, just North of Madison. Victor Lawson owned the paper at that time. And, Ben had a flair for good writing. So his editor assigned him to write a column. One Thousand And One Nights in Chicago. And, every day Ben told anecdotes about different people, etc. Now, Charlie MacArthur was a natural partner for Ben Hecht. Where Ben was more or less quiet and full of fun, not withstanding, Charlie MacArthur was a lively exuberant young fellow. So, with a great sense of humor, both of them covered the Criminal court building at various times. They concocted a fabulous scheme and they went to Coroner Hoffman with a mention in their play Front Page and asked him to turn over to them the body of a man as soon as he was hanged. Well, the coroner ruled that inasmuch as the fellow was dead, his body was available to whomever claimed it. Naturally, it should go to a relative or one of the family, but in this instance there were no relatives. So, the fellow was hanged and Charlie and Ben had a couple of doctors and they rushed into the old criminal building ward and the doctors worked on the fellow to try to revive him. And the stunt that Charlie MacArthur and Ben Hecht had was that if they could revive the guy, he would have paid the penalty by sacrificing his life and they would have restored it. But the thing as fantastic as it sounds nevertheless was tried, but the fellow didn't respond. He didn't cooperate. So that's something that isn't done any more today. Don't you know.

MCCUEN. Ben Hecht's widow, Rose, a playwright herself and former actress, lives in New York, mostly alone, but with those great moments of their lives that she vividly recalls. She remembers the giant Hearst editor of all, Walter Howie, along with an incident that occurred after Ben Hecht, her husband, became rich in Hollywood:

HECHT. Behind Walter Howie, let me say this, because I knew him, was a great guy called William Randolph Hearst. Now, Hearst—we used to go to his ranch at times—our friend, Charles Lederer was the nephew of Marion Davies. Hearst used to come and jazz up all his papers and you know make his managing editors wild to get scoops. And, when we were at the Hearst ranch eating in this grand dining room that used to be in a monastery—you know, Ben said to him: "I've never liked you because you faked the story of Ruth Randall and you wrote her diary, and I know you did. And, he said, "Yes, I did," and he was proud of it. He'd come into town and write the diary of some woman murderer and it would be running. And, then in the Carl Wanderer case they made up all sorts of things that he invented . . . and Hearst was a great newspaper man. He was. They blame him for the Spanish American war, and he was capable of that. He was capable of anything. One of our great friends who was Gene Fowler, who was his managing editor on the New York American—he can tell you the terrible things that happened. He could have told you. He's gone now. Guess I'm talking about the past.

MCCUEN. Hecht and MacArthur had a great flair for the dramatic in their stories. For example, there was the celebrated case of murder involving Carl Wanderer. A ragged stranger killed Wanderer's wife. Wanderer killed the ragged stranger. But, a long investigation proved that Wanderer hired the ragged stranger. On the day of Wanderer's trip to the gallows, to his execution, Mrs. Rose Hecht recalls the unhappy mood of MacArthur:

HECHT. MacArthur was mad at Walter Howie at the time. So, he said, "Let's give him a speech which we'll write, saying that the newspapers have driven him to his death". So, Ben and Charlie wrote a speech for Carl Wanderer and they forgot that they tie a

man's hands down when they put the hood over him. And he was near sighted and he couldn't read it. So, instead of reading the speech that Ben and Charlie wrote, accusing Walter Howie of hounding him to death, I don't know what he did—he sang Dear Old Pal of Mine. They said have you any last words—and he looked. He couldn't read it. So, he sang Dear Old Pal of Mine, and they dropped him.

MCCUEN. In the cast of The Front Page, you may recall, was McCue, the young, overworked, underpaid City Press reporter. The character was fashioned from real life, from LeRoy Buddy McHugh. Buddy, now retired after 54 years of active reporting, is one of the last survivors of that Front Page heyday. Meek appearing of short stature, Buddy was easily mistaken for a drug store clerk or accountant, rather than a low-key tiger. Buddy McHugh had a unique style that was simple and classic—he was never perturbed.

MCHUGH. I had talked to Bugs Moran previously and I knew some of his men and I recognized the two Dusenbergs brothers laying against the wall that I had talked to before. And, there was a big police dog chained to a truck, barking every time the police would get near the bodies. And, we were in danger that this chain might break and if it did, we were all in trouble.

MCHUGH. And, I thought that was one of the most interesting murders because in interviewing some of the people outside they said a man was seen going into the garage, dressed in a policeman's uniform—very tall, heavy set man. And, from the description, the police and myself were satisfied that this was Killer Burke, one of the Capone gang, and we believe he was able to get in there, and the Moran gang thought he was a policeman, that's why they let him in. The St. Valentine Day murder case was always very interesting.

MCCUEN. The Fourth Estate . . . A Probing Look at Journalism Today . . . continues after this message.

It would be over simplification to say that the trouble with the fourth estate is the increasing amount of horrendous news. That may be more of a problem for the public to learn to digest. Then, there's the question: What is the purpose of a newspaper or the function of a television or a radio news program? More than a century ago, Long John Wentworth hitchhiked to Chicago from Michigan City and quickly established his own newspaper and entered politics. This was a practice of the politicians of his time. A Newspaper or Radio-TV transmitter has a unique, crusade, powerful voice—it can inform, campaign, crusade, persuade, entertain, distort or even lie. It may reflect vested interests as well as the barren truth of scandal and corruption. Public service may be the intention but not always the result. Recently, a Channel Five news report of mistreatment of dogs at the city pound brought an avalanche of response—far greater, ironically, than any other news report involving the mistreatment of humans.

The programs on radio and television today—the stories published by the papers—surely are what has appealed to the public; in fact, most John Q. Americans prefer to watch the mirror of reality, disturbing as it may be. Today's Journalist must ask himself why is he in this profession? There are some who wish only to report the stories and enjoy writing up a good yarn. Others may want to investigate and search out the important truth that may be concealed to the public. But, in all, it would be nice to know and believe that all newsmen, all journalists, will do more than to inform the truth—but that together with the public they may leave this world a better place than they found it.

CLOSING CREDITS

This has been an NBC News Special Report: The Fourth Estate Under Fire. Reported by

Charles McCuen. Directed by Dale Blanchette. Technical Supervisors, Harry Dinaso, John Hoffman, David Wolfe. Production Assistant, Gwen Griffen. Written and Produced by Harry Mantel.

**THEY CAST HIM—STEPHEN—OUT  
OF THE CITY AND STONED HIM  
(ACTS 7:58)**

**HON. JAMES B. UTT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. UTT. Mr. Speaker, Vice President SPIRO AGNEW "told it like it is" when he criticized the news media for their slanted, one-sided reporting. From personal experience, I am well aware of how the left-wing networks can use half truths, statements out of context, and emotionally charged statements of dissenters to attack and even to destroy any public figure with whom they disagree.

Prime time is reserved for national speeches by the President and other leaders, and the immediately following time is also reserved for the commentators—not to objectively summarize the meat of the speech for late viewers, but to rebut where they disagree, to shred where they can not effectively rebut, and to twist and mislead as to the meaning of what was said. Being the "last word" as it were, these slanted comments become the impression retained by the average American, whose work and family responsibilities prevent him from studying the issues as completely as necessary to form his own opinions of what was said.

The most recent hatchet job on Vice President AGNEW by CBS and other news media was purely political. This was so evident by the fact that comedian Bob Hope, one of the most loved performers and actors in America, in a nationwide TV news conference, made as many and as far-reaching accusations as did Mr. AGNEW, on the subject of news media abuse in reporting. Even though this attack was made within 48 hours of Mr. AGNEW's speech, Bob Hope, not being a politician, was not abusively attacked for making such statements. This one thing alone should prove the nonobjectivity of CBS and other news media.

The Vice President deserves great credit for being so forthright, and special commendation for being so right. No one needs to go beyond the reporting of the outside activities at the Democratic National Convention last year in Chicago to realize just how right Mr. AGNEW is. A congressional investigation by House Interstate and Foreign Commerce Special Investigations Subcommittee staff members, Daniel Manelli and James Kelly, charged that the networks deliberately withheld film and videotape which would be derogatory to the demonstrators, including shots of material raining down from the Hilton Hotel onto the heads of the police.

Phillip Abbott Luce, writing in *Human Events*, said that he realizes more and more that "managed news" is apparently

the only "news fit to print." Judge Haynsworth was a victim of a hatchet job by CBS and the leftwing press, as well as by the multimillion-copy press publications of the international labor unions, all of which repeatedly published every innuendo, rumor, charge, and unfounded criticism without one word of objective reporting of his background.

The huge crowds participating in the recent "new mobilization" were glaring evidence of the correctness of Mr. AGNEW's statements. Almost everybody saw news reports and TV coverage of Dave Delinger during the propaganda buildup for the demonstration, but did anyone hear an explanation of his background? Was anybody told that in a 1963 speech he said "I am a Communist, but I am not the Soviet-type Communist"?

Did anyone see TV coverage of statements by my colleague, House Internal Security Committee Chairman RICHARD ICHORD, in which he characterized the moratorium committee's program as "an integral part of the fall offensive," and called it "a propaganda maneuver designed and organized by Communists and other revolutionaries?"

Representative ICHORD's staff made quite a study, and their report includes an account of the encouragement given to demonstrators by the official Communist newspaper, the *Daily World*. They cited the endorsement given by the Student Mobilization Committee To End the War in Vietnam, which, according to FBI Director J. Edgar Hoover, "is controlled by members of the Young Socialist Alliance, the youth group of the Socialist Workers Party." The latter is the largest Trotskyist Communist Party in the United States, and has been declared subversive by the House Committee on Un-American Activities and by two Attorneys General.

When TV and press coverage of statements and news releases of demonstration leaders led to the buildup of participation, were there ever additional comments made as to the involvements in subversive activities of those quoted? Everyone knows, of course, that anytime a rightwing personality is quoted, his link with or support by the Birch Society or Liberty Lobby is always mentioned in a derogatory tone.

Representative ICHORD's committee staff listed those invited to the August 5 meeting of the mobilization San Francisco action project. Sidney Peck, an east coast cochairman of New Mobe and former State committeeman in the Wisconsin Communist Party, USA, sent a memorandum listing such radicals as Art Goldberg, west coast bureau of the revolutionary Communist newsweekly *Guardian*; Curtis McClain of Communist Harry Bridges' Longshoremen's Union; Karen Talbot, of the west coast edition of the *People's World*; Donald Kalish, by his own admission, "somewhat to the left of the CPUSA"; Terry Hallinan, long associated with Communist causes; Irving Sarnoff, an identified Communist; Harold Supriano, one of the founders of the W. E. B. Du Bois Clubs of America, a Communist group; and a number of others with long-

time associations with the Communists and their sympathizers.

There is no doubt that the vast majority of those participating in the demonstrations are sincerely interested in world peace on an honorable basis. For whatever reasoning or rationalization they might have, they felt that this was the proper way to assist in reaching that goal. But how many of them really knew the background of the leaders? How many of them would have participated had they known in advance that they were following those whose activities in the past clearly brand them as traitors and enemies of our Nation?

The press and TV have had an overabundance of writers and commentators who have gained national prominence through the many years they were growing up under the left-wing socialistic philosophies of the New Deal, Fair Deal, and the other emotionally attractive titles of the administrative leaders of 28 of the past 36 years. They get wide coverage and attention, and their left-wing bias makes it easy for them to overlook backgrounds and motives when publication of such will be derogatory to their views.

But they should stop and do a soul-searching analysis of the Vice President's statements, with the degree of objectivity which the press so jealously ascribes to its news columns. Editorial opinion, as Mr. AGNEW realizes, is proper on the editorial pages, and TV reporting should also be so separated. But more important than that is the overriding importance of refraining from giving aid or comfort to our Nation's enemies, whether they be the Vietcong, or the Communist conspiracy which has repeatedly told us of their plans to conquer us. When such statements are backed by examples of their methods in Czechoslovakia, Hungary, and Red China, it seems intelligent men should start to believe them and quit assisting them to their goals.

It is most distressing to find so many self-appointed official spokesmen in the U.S. Senate for the Hanoi government, especially the chairman of the Senate Foreign Relations Committee, who constantly undermines the President.

**GROWING TIDE OF PUBLIC OPINION  
FAVORS REPEAL OF EMERGENCY  
DETENTION ACT**

**HON. SPARK M. MATSUNAGA**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. MATSUNAGA. Mr. Speaker, it is gratifying for me to see the public officials of my State speaking out, through duly adopted resolutions, in support of legislation to repeal the Emergency Detention Act, a law which hangs like the sword of Damocles over the heads of the people of this great Nation. The council of the county of Maui and the city council of the city and county of Honolulu, have both adopted such a resolution.

The Emergency Detention Act was aptly described by the Honolulu Star-Bulletin in its excellent editorial of October 27, 1969, which stated:

For the past 19 years a razor sharp ax has hung perilously over the heads of all Americans, held immobile only by a thin thread of circumstances.

That ax is Title II, the Emergency Detention provision of the Internal Security Act of 1950. Any person detained under this act would be assumed guilty and have the onus of proving innocence. The sooner Title II is repealed the better.

Mr. Speaker, I believe that this editorial speaks for a vast majority of concerned Americans with respect to the compelling need to repeal a law which could deprive our neighbors of the traditional safeguards of due process which are sacred under our Constitution.

I am privileged to submit for inclusion in the CONGRESSIONAL RECORD for the attention of my colleagues the editorial, "Watch Your Lip," as well as the resolutions adopted by the city council of the city and county of Honolulu and the council of the county of Maui:

#### WATCH YOUR LIP!

For the past 19 years a razor sharp ax has hung perilously over the heads of all Americans, held immobile only by a thin thread of circumstances.

That ax is Title II, the emergency detention provision of the Internal Security Act of 1950, the so-called McCarran Act.

The thread of questionable strength that keeps the blade from falling is the weak refrain of those who defend the McCarran Act that "This couldn't happen in America."

The McCarran Act gives the President the power to proclaim an "internal security emergency" in event of 1) invasion of the United States or its possessions; 2) declaration of war by Congress; and 3) insurrection within the United States in aid of a foreign enemy.

Should the "internal security emergency" be declared, the President may detain persons "if there is reasonable ground to believe that such a person will engage in acts of espionage or sabotage."

Hawaii's Sens. Daniel K. Inouye and Hiram L. Fong and Reps. Spark M. Matsunaga and Patsy T. Mink are sponsoring bills in Congress for repeal of Title II.

They point out that Title II has never been tested in the courts.

Before the Senate, Inouye noted that Title II became law over the veto of President Truman, who said the great majority of the law's provisions "would strike blows at our liberties."

Additionally, Sen. Inouye said, "widespread rumors have circulated throughout our Nation that the Federal Government is readying concentration camps to be filled with those who hold unpopular views and beliefs. These rumors are widely circulated and believed in our urban ghettos."

Congressman Matsunaga noted, in his call for repeal, "As a lawyer, I find that Title II is repugnant to the accepted traditions and precedents of our legal system."

The McCarran Act is reminiscent of 1942 when 110,000 Americans of Japanese ancestry were arrested, their property confiscated and they were detained in "relocation camps" for most of World War II.

Any person or group detained under this act would be assumed guilty and have the onus of proving innocence.

When it was conceived, Title II was sharpened especially for the Communists. But, as it is written, the President conceivably could apply its provisions to any group—Black Panthers, Mormons, Yuppies or another.

What Title II says, in essence, is that everyone should "watch your lip," or else.

Title II is ridiculously horrifying in our "due process" society.

Its implications are readily apparent. Of course it has never been used—but it is there; it has remained a threat over the last 19 years to any group whose views run counter to those of the man in the White House.

Sens. Inouye and Fong have the backing of 24 other U.S. senators for their repeal proposal; Reps. Matsunaga and Mink are joined by 125 co-sponsors.

The sooner Title II is repealed the better. There is always a chance that the ax will be allowed to fall.

#### RESOLUTION No. 249

(Introduced by Goro Hokama, councilman)

Whereas, the Internal Security Act of 1950 passed by the Congress of the United States provides, among other things, for the detention of any person on the mere probability that he will engage in or conspire with others to engage in acts of espionage or of sabotage during proclaimed periods of "Internal Security Emergency"; and

Whereas, said act violates the civil rights of all Americans; now, therefore,

Be it resolved by the Council of the County of Maui that it does hereby respectfully request the Congress of the United States to forthwith take whatever action is necessary to repeal the Internal Security Act of 1950; and

Be it further resolved that certified copies of this resolution be transmitted to Senator Hiram L. Fong, to Senator Daniel K. Inouye, to Congressman Spark M. Matsunaga, and to Congresswoman Patsy T. Mink.

It is hereby certified that the foregoing resolution was adopted by the Council of the County of Maui, State of Hawaii, on the 7th day of November, 1969.

JAMES S. UREBJINA,  
County Clerk, County of Maui.

#### RESOLUTION

Whereas, the Congress of the United States has heretofore adopted subtitle II of the Internal Security Act of 1950, commonly known as the Emergency Detention Act; and

Whereas, the said Emergency Detention Act authorizes detention of any person on the mere probability that he will engage in, or conspire with others to engage in acts of espionage or of sabotage during proclaimed periods of "Internal Security Emergency"; and

Where, the said Emergency Detention Act fails to provide for trial by jury, or even before a judge, substituting instead hearing before a departmental preliminary hearing officer and a detention review board; and

Whereas, the said detention procedures set forth in the said Emergency Detention Act, pose a serious threat to the Civil Rights of all Americans; now, therefore,

Be it resolved that the Council of the City and County of Honolulu strongly urge all members of the Congress of the United States to use their best efforts to have the said Emergency Detention Act repealed; and

Be it finally resolved that the Clerk be, and she is hereby directed to transmit copies of this resolution to: Governor John A. Burns; U.S. Senator Daniel K. Inouye; U.S. Senator Hiram L. Fong; U.S. Congressman Spark M. Matsunaga; U.S. Congressman Patsy T. Mink; Senator David McClung, President, State Senate; Representative Tadao Beppu, Speaker, State House of Representatives; Mr. Ray Okamura, JAOL National Co-Chairman; Mr. Mike Massoka, JAOL Washington Representative; Dr. Robert Susuki, JAOL Executive Liaison; Mr. A. A. Smyser, Editor, Honolulu Star Bulletin; Mr. George Chaplin, Editor, Honolulu Advertiser; Mr. Takeshi Fujikawa, Editor, Hawaii Hochi; Mr. Ryokin Toyohira,

Editor, Hawaii Times; and Mayor Frank F. Fasi, City and County of Honolulu.

Introduced by: Ben F. Kaito, Clesson Y. Chikasuye, Walter M. Heen, Brian Casey, Torahi Matsumoto, Herman J. Wedemeyer, and Charles M. Campbell.

Date of introduction: November 4, 1969, Honolulu, Hawaii.

The foregoing is a copy of a resolution adopted by the city council of the city and county of Honolulu on November 4, 1969.

WALTER M. HEEN,  
Chairman and Presiding Officer.  
EILEEN K. LOTA,  
City Clerk.

#### DRAFT REFORM

### HON. FRED SCHWENGL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. SCHWENGL. Mr. Speaker, the subject of draft reform is on the mind of every Member of this body. This is true even though we have already passed the legislation dealing with the lottery provisions requested by President Nixon. We all realize that in the forthcoming session, we must review the entire body of our draft laws.

Earlier, there was some question as to what action could be anticipated in the other body on the lottery provisions. While that problem now seems to have been resolved, it seems appropriate to insert in the RECORD, an editorial from the Davenport Times-Democrat on this subject. Needless to say, I concur wholeheartedly in the view expressed in the editorial:

[From the Davenport-Bettendorf (Iowa) Times-Democrat, Nov. 7, 1969]

#### LET'S BEGIN DRAFT REFORM

Congress seems to have a deplorable addiction for all-or-nothing in legislative action.

A few months back, it surfaced in deliberations over extension of the 10 percent income surtax. There would be none, some influential members insisted, unless it was accompanied by sweeping tax reforms.

Now it seems to have put the draft lottery bill in cold storage until some time in 1970. Nothing like that will be done to make selective service more fair, say some powerful senators, unless there is an overhaul of the entire Selective Service Act.

The House overwhelmingly approved President Nixon's proposal for revision of the draft, which includes a lottery provision. It has run into major trouble, though, in the upper house.

Accordingly, Sen. Mike Mansfield, majority leader who controls legislative traffic, has announced:

"It is my belief that the President's proposal will not be taken up in the Senate this year because it was impossible to achieve a consensus to handle only the President's suggestion by itself, and because some members of the Senate want to go far beyond the President's proposal in the consideration of the draft law."

As a consequence, President Nixon probably will be forced to fall back upon an executive order by which instead of a lottery, 19-year-olds would be called first, rather than 26-year-olds as at present.

Responsibility thus would be placed on the President for a system admittedly less desirable than the one proposed by the White House for the reduction of inequities in the draft.

If a legislative logjam prevents overhaul of a system which has been widely denounced, does not practicality dictate that Congress make the most of the means at hand? Today's unfairness of the draft demands the best possible beginning toward a better way. Complete revision can come at the earliest date circumstances permit.

TO DRINK AN OCEAN, TO IRRIGATE  
A WORLD

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article from the American County Government magazine:

TO DRINK AN OCEAN, TO IRRIGATE A WORLD  
(By Robert Dymant)

The year 1967 was a "year of upsurge for seawater desalting, into new and vastly higher levels of size and capacity of installations," according to John C. Cleaver, chairman of the board and president of Aqua-Chem, Inc., Milwaukee, Wis., a world-wide leader in seawater desalting.

"Moreover," he added, "the whole science of desalting is now being applied to inland waterways—the lakes, rivers, and wells of any nation—where the pollution due to industrial and population wastes are becoming as high as the pollution due to salt and other contaminants in seawater.

"As a result," he predicted, "it now appears that some 1,000 inland communities in the U.S. alone may have to shift to some new, more effective and complete form of de-pollution, such as distillation, within the next ten years."

Looking at a recent United Nations report on desalting on a worldwide scale, shows that, whereas it took 25 years to build the world's desalting plant capacity to 86,000,000 gallons per day by the end of 1965, the year 1966 saw another 11,000,000 gallons per day added just in that one year alone, and the total capacity approved or under construction during 1967, reached the record level of 203,000,000 gallons per day—if one includes the 150,000,000 gallons per day nuclear-powered plant approved for construction by the Metropolitan Water District of Southern California.

This is a thirsty world we live in.

The average person consumes the equivalent of about 18 glasses of water a day.

It takes 110,000 gallons of water to make a ton of steel.

A ton of paper requires 184,000 gallons, a ton of synthetic rubber 660,000.

A jetliner needs 1,000 gallons to take off. An intercontinental missile uses 550,000 for launching.

Happily, this is also a watery world we live in.

Over 70 per cent of the earth's surface is covered with water.

But there are shortages in various parts of the world. The problem is not the amount of water, but having it in the place we need it at the time we need it and—perhaps most important—in the quality we need it.

In 1900, Americans used about 40 billion gallons of fresh water a day. By 1940, they were using 135 billion gallons. Today, the figure is about 350 billion gallons, and the maximum daily available supply is estimated at 515 billion gallons.

Before 1980, according to U.S. Department of the Interior projections, we will need about 600 billion gallons, 85 billion more than is available.

Fortunately, man's ability to maintain a supply of fresh water is keeping pace with his thirst for its use. He manages to make the available supply stretch by restricting the use of water, building reservoirs, and studying ways to retard the spring thaw to make water from melting snow last longer.

He also drills deeper wells, and builds pipelines, aqueducts, and pumping stations to bring waters to areas of scarcity.

All these steps help to get pure water to the right place at the right time, but it also adds to the cost of water. Today, the cost of obtaining a new source of pure water by conventional means is estimated at 13 to 70 cents per 1000 gallons, depending on the area.

The cost is expected to rise to the 20-90-cent range by 1980.

While the cost of obtaining water conventionally creeps upward, the cost of tapping the ocean is steadily decreasing.

Improvements in the technology of desalination have made this process increasingly attractive.

In 1953, it cost about \$5 to convert 1,000 gallons of seawater. Today the cost range is 75 cents to \$1.50, and prospects are that the cost will fall to about 20 cents for large plants.

Costs are approaching levels at which industrial and municipal water users are willing and able to pay for desalting rather than tapping new water supplies.

Specialists with Westinghouse Electric Corporation, which makes both electric power generating equipment and water desalination equipment, believe there is a great potential for large plants that produce both electricity and pure water. To desalt water, you need heat. A power plant rejects more than half of its heat input. But from every evidence of experience, technology and economics, these two kinds of plants complement each other and belong together.

It makes sense to take the flow of turbine steam in its lower stages and divert all or part of it to the production of fresh water.

The largest water desalting plant in the world today is the one built for the Florida Keys Aqueduct Commission. Under a \$3,369,400 "turnkey" contract, Westinghouse was responsible for the design, engineering, construction, and initial operation of the plant.

This was the first commercial application in the United States of a seawater desalting plant to provide a community's water needs. Other desalting plants in this country are experimental units built under a federal demonstration program conducted by the Office of Saline Water, U.S. Department of the Interior or are plants producing fresh water for industrial use.

In 1948, Westinghouse began to research, develop, and build the first large-scale plant for distilling ocean salt water. It was the Sheikdom of Kuwait or the Persian Gulf.

Today, the company has built or has orders for a total of more than 70 water conversion units from Kentucky to Pakistan, from Libya to Indonesia.

One of the plants is at Guantanamo Bay, Cuba, providing 2,250,000 gallons of pure water daily to the U.S. Naval Base there. Part of the plant originally operated at Point Loma, Calif., supplying San Diego with part of its water.

When Fidel Castro ordered water to the Naval Base cut off in 1964, the Point Loma plant was dismantled, shipped to Guantanamo, reassembled, and expanded.

Although Westinghouse has done, and is continuing, research in several kinds of desalting processes, it has concluded the multi-stage flash (MSF) distillation process is the one showing the most promise. This process is used both for such seawater conversion plants as the ones in the Virgin Islands and Key West and for brackish water treatment plants for industry.

This process purifies water by forcing

heated water under pressure into a chamber with lower pressure. The pressure affects the amount of heat the water can retain. When the pressure suddenly drops, part of the water vaporizes, or "flashes" into steam, and then is condensed into pure water. This process is repeated several times during the treatment.

The flash-evaporator technique has a number of advantages over other possible water conversion processes:

1. It can produce extremely pure water of .25 parts per million total dissolved solids—more than adequate to meet even the most stringent specifications for high-pressure boiler feed or makeup, or for process water.

2. The quality of the converted water will not change appreciably no matter what the mineral content or purity of the raw water. Flash evaporators can be used equally well on seawater, brackish water, commercial water, contaminated river water, swamp water, stagnant water, or water with mine acid wastes.

3. Flash evaporators are reliable and require little maintenance, and maintenance is easy to accomplish. The original systems installed in the first Kuwait plant are still in operation at full capacity 94 per cent of the time and need maintenance only every 8,000 hours. Most of the maintenance can be done from outside the unit, which saves time, effort, and cost.

4. Flash evaporators are easily adapted to automation.

5. They can use heat from any of several inexpensive sources such as waste heat from a process of exhaust heat from a non-condensing gas turbine.

6. Flash evaporators are extremely versatile, and can be designed for a wide range of output (50,000—150 million gallons per day, or more) and a wide range of operating temperatures.

While Southern California and the Key West area already are turning to seawater conversion, the eastern tip of Long Island, among other areas, soon may find desalting the answer to an increasingly vexing water-supply problem.

International areas which already have installed or plan to install desalting plants include the Canary Islands, Cyprus, Hong Kong, Israel, Kuwait, Malta, Mexico, Sicily, Spain, South-West Africa, Tunisia, and most of the Caribbean.

In April, 1967, the residents of Key West, Fla., were already getting a taste of what the summer held in store—water shortage.

People who lived in the lower Keys couldn't wash their cars. They couldn't water their lawns. And, there were hints that—as a last resort—water might be turned off completely at certain times of the day.

It was truly ironic. All around, billions of gallons of water flashed blue and white, but it was salt water and totally unusable.

The water that Key Westers did have for drinking and for utilitarian purposes came to them from the Florida mainland, 130 miles away. An 18-inch pipeline, owned by the U.S. Navy, brought 6 million gallons of fresh water daily from Florida City to serve the Navy and Key Westers. But it wasn't enough water.

The Florida Keys Aqueduct Commission (FKAC), which buys the fresh water from the Navy and operates the distribution system on the islands, had developed a water storage capacity of 17.5 million gallons. But the prolonged drought had dropped the amount of water in the storage tanks to about two million.

Some residents were talking about cleaning out Key West's cisterns which had been used to collect rainwater for drinking and washing purposes before the Navy built the pipeline from the mainland in 1942.

Then, late in May, 1967, the water problem vanished in a flash on Stock Island.

There, just offshore from Key West, the world's largest single-unit water desalting

plant went into operation, converting salt water to fresh water.

Built for FKAC by Westinghouse, the plant achieved its guaranteed capacity of 2.62 million gallons early in June, 1967. By that time, however, it had already produced more than 20 million gallons of fresh water, enabling FKAC to refill its storage tanks.

It ended the water shortage.

Now the area has two sources of water—the desalting plant and the pipeline. FKAC is considering construction of a second desalting plant of similar capacity, providing a total capacity of more than five million gallons.

It marks the first time a community has met the bulk of its fresh water needs from the ocean through operation of a commercial desalting plant.

It is the most efficient desalting plant ever built in terms of the amount of steam needed to produce a gallon of fresh water.

It cost FKAC \$3,369,400 to have Westinghouse design, engineer, construct the plant, and put it into operation. This is more than \$600,000 less than the engineer's estimate of what it would have cost to construct the plant on a component basis.

The Key West plant produces one gallon of fresh water for every three gallons of salt water that are drawn in, or more than 1,800 gallons of fresh water per minute. The rest of the water is returned to the ocean as brine.

Impurities in the water produced by the Key West plant average ten parts per million parts (ppm) of water, an exceedingly low level.

The U.S. Public Health Service recommends drinking water have no more than 500 ppm of impurities. It will allow up to 1,000 ppm in a community's drinking water before making strong recommendations that corrective action be taken.

The desalted water from the Key West plant is stored in three five-million-gallon tanks until it is needed by water consumers in the lower Keys.

Fuel oil to fire the desalting plant's boilers is shipped to Stock Island by barge from Fort Lauderdale. The boilers use approximately a barrel of oil every six minutes.

Instrumentation and control equipment for the plant are designed to permit continuous operation with a minimum of personnel. All flows to and from the flash evaporator, except for the intake of raw seawater, are automatically controlled.

The plant produces fresh water at a cost of less than 85 cents per thousand gallons—a considerable improvement over the cost of \$4 to \$5 per thousand gallons for experimental desalting plants put into operation little more than a decade ago.

What of the future?

"The rapid rate of growth of Key West and the lower Keys area makes it essential that we accommodate this growth with a more than adequate supply of fresh water," said John M. Koenig, chairman of the FKAC.

"Surrounded as we are by the Atlantic Ocean on one side and the Gulf of Mexico on the other, our source of fresh water is boundless now that desalting has become an economically feasible technology."

The Key West desalting plant truly represents a major achievement in man's age-old quest for drinking water from the ocean. The importance of constantly improving the technology of making fresh water from seawater was pointed out by former President Lyndon B. Johnson, who has said of the water problem:

"A shortage of fresh water is one of the most critical problems facing the nations of the world. Developing nations which face rapid population growth must establish adequate fresh water supplies if they are to achieve their potential. The world's seas and oceans offer an inexhaustible supply of fresh water—if economically feasible methods of desalting can be developed."

## MATTER OF TIME

## HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, a recent editorial in the Milwaukee Sentinel deserves comment, and I would like to include it in the RECORD so that all thinking men may benefit from it.

The editorial, Mr. Speaker, discusses the recent Supreme Court decision on school desegregation, and sets forth the position of the Department of Justice. The editorial predated the fifth circuit's order, but contained the position ultimately adopted by the Fifth Circuit Court of Appeals.

The Supreme Court decided that the "all deliberate speed" formula established in the first Brown decision could no longer be accepted because it had for too long been used as a successful tool in delaying the establishment of unitary school systems in the South. While I hail the Court's determination to put an end to it after 15 years, I am also thankful that the fifth circuit applied the order in a way as judicious as it did.

The fifth circuit ordered immediate implementation of the desegregation plans, with some modification, and recognizing that implementation might not be accomplished overnight, it gave the districts until December 31, 1969, to complete the process. Thus, Mr. Speaker, the Court did precisely what HEW had requested for precisely the same reasons, only it gave the districts an additional 31 days.

The fifth circuit court recognized the very real human and administrative problems that surround desegregation of a school system, and made clear its intent to desegregate in as orderly a manner as possible.

I call this to your attention, Mr. Speaker, because I believe that when the heat and emotion of headlines are taken away and when the determination of the press to assault every attempt of this administration to make positive, rational action appear to be retreat in the enforcement of our civil rights laws continues, then I think it is high time for someone to speak out and give the facts as they are, not as they are perceived by individuals who have prejudged this administration and Assistant Attorney General Jerris Leonard from the very beginning.

The editorial referred to follows:

## MATTER OF TIME

The supreme court's order calling for the instantaneous desegregation of southern school districts hardly seems to be the big deal the integrationists are making of it. Certainly it is not, unless one is more concerned about civil rights legalisms than he is about the education of children.

It should first be pointed out that the justice department was not opposed to the immediate disestablishment of dual school systems in Mississippi or anywhere else.

Where the difference between the justice department and the Burger court came was over the meaning of immediate.

Jerris Leonard, assistant attorney general,

agreed that "since we agree that the school boards' obligation to desegregate their school systems is immediate and unqualified, we believe that the courts below may properly be authorized to require the implementation of the plans commencing at the most practical imminent juncture in the school year, as, for example, at Christmas recess or mid-semester."

Never mind what is practical, the supreme court ruled in effect, integrate this instant.

This may have been a great victory for the principle of de jure school integration, but it is hard to see what is so great about it for the children involved. To comply with the supreme court's order, some children would have to be yanked (or should we say Yankeed?) out of the middle of class, as it were, and plunked into a class of strangers. It would make much more sense to do this during the holiday recess or the semester break.

The Burger court, however, appeared more interested in closing off the "deliberate speed" formula, which the south has used to gain interminable postponements, than it was in the immediate welfare of school children.

This suggests that the supreme court is not interested in the substance of education, but only in the form of the law. Southern states might take a cue from this, passing state laws outlawing dual school systems, then converting their school systems from de jure segregation to de facto segregation, similar to that in Washington, D.C., and elsewhere throughout the north.

## THE LAST SUPER BOWL GAME

## HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. MIKVA. Mr. Speaker, people often tire of sermons narrating some impending last judgment. It is true that prophets of doom can sometimes innervate the public instead of spurring it on to action.

Nevertheless, some men have the gift of warning their fellow men without wearing them. Frequently, such gifted individuals are poets or journalists. Many have contributed to my own reflection on the pressing problems of the day. Among them is Mike Royko, of the Chicago Daily News.

In a recent column, Mr. Royko skillfully created a ominous dialog between two of the last survivors of the human race. I commend his prophetic dialog to the attention of my colleagues.

The article, "There's a Reply to this Knock," from the November 13, 1969, Chicago Daily News follows:

## THERE'S A REPLY TO THIS KNOCK

(By Mike Royko)

The thin young man coughed as he limped down the highway, past the rusting hulks of cars, toward the distant town.

Above him, the sky was a dark brown, from horizon to horizon. Brown dust covered the road, puffing with the man's steps.

On the edge of the town, he began looking in the houses. He would open a door, wait for a moment, then move on as if he knew what he would find. He found nothing.

Once he stopped and cupped his hand over his ear. He walked toward a faint sound, eagerness on his face. The sound became louder and he ran around the back of a house. A gate swung in the wind, the hinge squeaking. He sank to the ground and sat a

while, shaking his head and coughing. Finally he stood and went in the house.

In a pantry was a can of chili, which he pried open and ate. He held a pan under a faucet. A yellow fluid spurted out. It got darker, turning brown. He built a fire, and when the fluid boiled, and cooled, he sipped it, gagging, but forcing it down. Then he found a bed and slept.

Hours later, he awoke and went outside, looked at the brown sky, and limped down the road.

He was near the other side of the town when it happened. For a moment, he didn't believe it. He stood in the doorway just staring at the man sitting alone in a chair. The other man stared back.

"Can I come in?" the young man finally asked.

The other man grunted and shrugged. "This is hard to believe," the young man said.

"What?" the other man asked. "Another person, I kept looking, but I had given up hope that I'd find somebody else. I was sure everybody was gone but me."

The other man shrugged. "Is there anyone else left around here?" the young man asked.

"I haven't seen anyone."

"Do you have any clean water?" asked the young man.

"No. But there's beer. I drink that. Help yourself."

They sat a while, drinking beer from the cans, coughing, and watching the dust blow past the picture window.

"I walked all the way from the East Coast," the young man said. "It took me months. You're the first person I found."

The other man grunted. "I don't think I'll go any further," the young man said. "It looks hopeless. And my chest is hurting more and more. It hurts all the time now."

The other man opened another can of beer.

"You should see it," the young man said. "The Atlantic is covered with a thick crust. I walked across the Great Lakes to avoid the dust. They were muddy in spots, but most of it has congealed."

"And in Wisconsin, I saw a sparrow. I stayed there for two days to be near it. Then it died."

"The big cities are gone. You know, I don't understand why everybody started dropping bombs when there was so little left anyway."

The other man grunted. "The young man started to weep. "I can't believe all this could have happened. How could the people have allowed it? What kind of insane men were running things? Why didn't the people make it stop?"

The other man stared at him for a moment. Then his eyes became slits and he spoke in a hoarse voice. "Shut up!"

The young man said, "What?"

"I said, shut up."

"But don't you care?"

"Listen, I don't like hearing people knocking the leaders. So why don't you shut up."

"But look what's happened to the country."

"I'm warning you. I don't like people criticizing this country."

"But don't you understand, there's nothing left?"

"Then why don't you leave it? Get out. Go somewhere else, and see if you like it better."

The young man shook his head. "But it has happened to the whole world, not just here. Everywhere. There's no place to go."

The other man leaned back in his chair. "Then if you aren't going to leave it, you better love it. And you'd better shut up."

Both men sat quietly, coughing and watching the brown dust swirl outside the picture window.

Then the young man softly said: "Is there anything you would want to talk about?"

The other man thought about it. Finally, he said: "You didn't happen to see the last Super Bowl game, did you?"

#### POLITICAL PERSPECTIVE: WHY DON'T PEOPLE VOTE?

### HON. FRED SCHWENDEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. SCHWENDEL, Mr. Speaker, other democratic countries are said to have better voting records than the United States. A President's Commission on Registration and Voting Participation found that there were both psychological and legal and administrative obstacles to voting. The League of Women Voters, an outgrowth of the woman suffrage movement in this country, has always had an interest in citizen participation through the exercise of the vote. In "Political Perspective: Why Don't People Vote?" Richard Scammon, a former Chairman of the President's Commission on Registration and Voting Participation; Wiley Branton, former director of the Southern Regional Conference; and Mrs. Fay Williams, board member of the League of Women Voters Education Fund give some of the reasons why people do not vote and what we can do to counter psychological blocks to voting and remove the legal and administrative obstacles.

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

#### POLITICAL PERSPECTIVE: WHY DON'T PEOPLE VOTE?

Participants in the order they are heard: Torrey Baker, former broadcaster, Voice of America.

Richard Scammon, former Director of the Census, former Chairman of the President's Committee on Registration and Voting Participation; Vice President, Governmental Affairs Institute.

Wiley Branton, former Director of the Voting Registration Project, Southern Regional Conference; former Executive Director, United Planning Organization.

Mrs. Fay Williams, Board member, League of Women Voters Education Fund; Director, Martindale Project, Indianapolis.

(Music up and under.)

BAKER. The League of Women Voters brings you "Political Perspective: Why Don't People Vote?"

(Music out.)

BAKER. More people vote in Presidential elections than in any other kind. And yet about a third of those who are of voting age in the United States fail to vote for President. Why is this so? Who are the people who don't vote? What are their reasons?

This is Torrey Baker speaking to you on behalf of the League of Women Voters. I am about to question Richard Scammon, former Director of the Census and the man who served as Chairman of the President's Commission on Registration and Voting Participation; Wiley Branton, former Director of the Voting Registration Project of the Southern Regional Conference; and Mrs. Fay Williams of Indianapolis, a member of the Board of the League of Women Voters Education Fund.

Mr. Scammon, why don't more people vote in this country?

SCAMMON. Partly this is due to the fact that we have a measure of apathy in this country, but a lot of it is due to the mechanical and legal difficulties that are placed in the way of registering and voting in America.

BAKER. Mr. Branton?

BRANTON. I think that people who are less advantaged probably vote less than other people because of the fact they have not been in the habit of voting. Now these included poor people, they include minority groups. Frequently, these people have been a migrant force; they have moved from place to place; they've not remained in any one place long enough to become associated with voting patterns, frequently nobody has bothered to get them to register, in the first place.

BAKER. Mrs. Williams?

WILLIAMS. The disadvantaged of this country do not vote in large numbers for several reasons. I think one is the fact that we have not really interpreted government to them as it relates to their problem.

BAKER. In most places, in order to vote you have to register. Mr. Scammon, why registration, and why are the requirements sometimes an obstacle to voting?

SCAMMON. Originally registration was required to prevent fraud, in other words, you said in effect, a person must be identified and pre-identified before he can vote. As it is now the potential elector, cannot vote unless some time prior to the election and this is often a number of weeks or months before the election, during working hours he goes to some place downtown, and puts his name on the list. Now a lot of jurisdictions use local registration or they use mobile registration—they register in the supermarkets, you know, and the drug stores and so on, and this is helpful.

WILLIAMS. In Indianapolis changing the location of registration from the public school to the supermarket tripled the number of persons registering. And it was very simple. It was a move of a block and since public schools are not set up to register people anyway it was just as easy to put that—that desk in the supermarket as it was in the school, but these are the kinds of little things which make a big difference in people's access to government.

BAKER. In the south there have been other complications. Mr. Branton, how has federal legislation helped registration in the South?

BRANTON. Well, the passage of the law which called upon the Department of Justice to bring legal action seeking to enjoin the requirement of the payment of a poll tax in order to vote in election. The law also eliminated the requirement of a literacy test for a voter. It provided for the appointment of federal examiners to list people for registration in those counties where local officials refused to comply with the law or refused to register people freely without discrimination, and I think that requirement, the one which says that if you impose these restrictions on people, then the Attorney General may designate those counties for federal examiners. That provision alone has perhaps done more to remove barriers than anything else.

BAKER. Residence requirements are another impediment to voting. It is estimated that more than ten million Americans move every year and in some cases a citizen has to live in a state for one year before being allowed to register. What about this, Mr. Scammon?

SCAMMON. Originally the requirements were designed, of course, to insure that the people who were voting had at least some knowledge of the candidates and situations in the communities in which they exercised their franchise. That seems reasonable.

As a matter of fact, these have been modified in many states to allow people to vote for President even when they have only been in the state a relatively short period of time on the theory that the people have no greater or less knowledge of the presiden-

tial campaign because they have moved from Connecticut say to Colorado, or vice versa, than they might have had if they had stayed where they were, but they might have a great deal less knowledge about Colorado if they just moved there from Connecticut, than they would have of the Presidential situation. So I think that a reasonable residential requirement for local elections and state elections is certainly useful.

BAKER. But just as important as the legal barriers to voting are the psychological barriers—the people who for one reason or another won't care to vote—or don't want to make the effort. Mrs. Williams, what is being done to reach these people?

WILLIAMS. I think the most important thing that I see taking place, is that persons are making an effort to define issues which relate to the persons who have been left out. The whole debate about crisis in the cities, how you go about doing this, the Model Cities program, the poverty program, and its "maximum feasible participation" clause—all are factors which have made it easier for persons interested in translating how government affects you.

This effort requires a very personalized approach. You cannot do it in terms of things like "better government" or "better schools" or very broad issues. You must make a personal appeal to an individual and give reasons why his particular situation can be improved by participating in government, by registering, by voting. The ADC mother might be told, for example, that it is the state legislature and the—and Congress which determines how much money you get in your check. The person who lives in an urban renewal—in a deteriorated house might be told that it is the city council person who declares which areas are going to have housing improvement programs, or rat eradication efforts.

BAKER. Mr. Branton, how are former non-voters being reached in the South?

BRANTON. There are various groups working now to get people to register to go to the polls, and in the Negro community we find a number of the old-time organizations like the NAACP, the Urban League and local voter groups active in voter registration. We also find that there is increased activity on the part of League of Women Voters groups in many of our cities in the country.

There's been a growing awareness of the need to support these efforts on the part of Chambers of Commerce, and of course, for a long time, you had the labor groups which have been extremely active in trying to help get people registered to vote.

BAKER. And as a result?

BRANTON. I think that the low turnout record of voters in southern states has shown a substantial improvement since 1960. I think you will find that where Negroes are turning out to vote in large numbers this brings a correspondingly big increase in white voters, people no longer take the election for granted, nomination in the Democratic primary is no longer tantamount to election.

BAKER. Mr. Branton, just how many Negro voters do you think have been added to the rolls?

BRANTON. In the past five years there has been a tremendous increase in Negro voter registration in the eleven states of the Old Confederacy, climbing from about one million three hundred thousand, five or six years ago, to around two million by the time of the 1964 Presidential election, and today more than three million.

BAKER. What effect is this having, Mr. Branton?

BRANTON. I think that the rise in voter registration has produced some significant changes in this country, particularly in the South, particularly as it affects Negro citizens. If you go back—say to 1962—there was not a single Negro serving in the legislature

of any of the states in the Old Confederacy, and indeed none had served since Reconstruction days, and yet we look now, just six years later, and we find that there are about 22 Negroes serving in the legislatures of several southern states. You find that as these Negroes take office they are able to advance other Negroes, and you take Negro members of legislative bodies who serve on committees, especially the small committees, their votes are eagerly sought on issues that have nothing to do with race. This has been a very healthy sign and points to the great progress which we have made just in the past six years.

BAKER. I understand that another reason for not voting is that people are timid; they are afraid of the voting machine and don't understand how the system works. What about voter education, Mr. Branton?

BRANTON. I am familiar with some training sessions in voting procedures which have been conducted for newly-registered Negroes and newly-registered whites, for that matter. Many of these training sessions have been conducted without any segregation or discrimination. They have been sponsored in many instances jointly by the AFL-CIO and some local Negro voters group.

BAKER. You mentioned earlier, Mrs. Williams, that one way to motivate people to vote, was to make the connection between issues which interest them and using the ballot to elect officials who will support those issues. This seems like a special kind of voter education. Who can carry it out? What kind of volunteers are needed?

WILLIAMS. I think that they must have a lot of factual knowledge about government and how it works, along with sensitivity to people. These volunteers can be found in numerous places, and particularly organizations like the League of Women Voters. These volunteers know a lot about government, but most of them have to be trained to interpret this message in more concrete and immediate terms, rather than the long-range goals of better government, better housing, schools, and economy in government, which are nice slogans to middle class people but don't really get the message across to the man or the woman who is caught up in trying to eke out a day-to-day existence, that they want to know what it means today and now, in my life. These volunteers have to be trained but the one important thing that I think they must be able to do, is accept the priorities and the interests of the people that they are working to reach rather than trying to transfer their own priorities and values.

BAKER. So voter education is still needed, and in some parts of the country improvements in election machinery are needed as well. Mr. Scammon, what's left to be done about mechanical difficulties?

SCAMMON. I would say that there is one area still in which a good deal of improvement could be made, or perhaps two. The first would be extending closer to the election day, the date at which there is a close-off of registrations. There are still many areas where you must register a number of days, or even weeks, or even months ahead of the election. I think this is simply unnecessary, given the electronic equipment that is available to us. And secondly, I would like to see more states adopt systems of automatic registration. By automatic registration, I mean either the European system in which the voters list is made up automatically by the city officials. In the Canadian system you send enumerators around door-to-door, to make up the list. You have a procedure for revising and amending and you post up the lists and people examine and see that they are on and so on. You send out cards to the people who are on the list to make sure that they know they are there. But what this does, it really puts the onus, the work of preparing the first list on the government rather than on the individual citizen and since we are

interested in getting a total registration of our electorate, and since we are interested in people voting, I think this would be a useful thing to try.

BAKER. Thank you, Mr. Scammon, and our thanks as well to Mrs. Fay Williams and Mr. Wiley Branton for giving us "Political Perspective—Why Don't People Vote?"

This is Torrey Baker speaking to you for the League of Women Voters and reminding you that in a self governing country the vote is the key instrument of political power. Use it.

(Music, up and out.)

## FREEDOM OF CHOICE IS THE LAW OF THE LAND

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1969

Mr. RARICK. Mr. Speaker, on several occasions since the Supreme Court placed itself above the Constitution in deciding the Mississippi school cases earlier this month, I have had occasion to comment on the enforcement as law of the illegal, bureaucratic guidelines laid down by the Department of Health, Education, and Welfare.

The Supreme Court decision in the Mississippi cases placed the judges of the Fifth Circuit Court of Appeals in the position of directly supplanting the school boards of six States, and administering the public schools of those States themselves. The decision of the Supreme Court even removed the U.S. district judges in these States, who had heard the evidence in cases tried before them, from any participation in the school administration. The judges of the court of appeals, who have not heard the evidence and are, therefore, unhampered by any knowledge of the facts have been given a green light to implement their own policies in our schools.

The entirely predictable result of this travesty on justice and usurpation of power is reported in a special story from Houston, Tex., published in this morning's left-leaning Washington Post which I include in my remarks for the information of Members and other Americans who will not have the opportunity to see a story not carried by the wire services:

[From the Washington Post, Nov. 19, 1969]  
DESEGREGATION CASE APPEARS DIM TO COUNSEL

(By Peter Millus)

HOUSTON, November 18—John F. Ward, attorney for East Feliciana Parish and seven other Louisiana school districts still trying to stave off desegregation, stood outside the big courtroom here today and confided, "I'm going to get clobbered."

He had just finished telling the Fifth U.S. Circuit Court of Appeals that it was "overreacting" to the Supreme Court's desegregation-at-once decision three weeks ago, and could still allow the South more time.

The argument had been meant as much for home consumption as for the 14 judges, and it got a frosty response from the bench, as Ward had known it would.

"Do you want to get in contempt of the Supreme Court, or do you want us to?" Judge Griffin B. Bell had asked him.

The only real issue, Ward conceded in the corridor afterwards, was whether the judges

would make East Feliciana finally desegregate this winter or next September, and he thought this winter was likelier.

Ward was not the only person in the courtroom today who thought he knew which way the judges will rule in the East Feliciana case, a fact that tells a good deal about the unusual proceedings here this week.

There was small suspense or even doubt about the issues or outcome in most of the 13 desegregation cases that the Fifth Circuit heard. The question was how specific and impatient the judges' language would be—and how many loopholes it might contain.

The Fifth Circuit has been telling the South to desegregate for years, with increasing force but uneven effect. It was searching this week for some further formulation that might put the issue to rest.

All the judges are Southerners, and not all are in agreement with the Supreme Court decision. Even among those who do agree, there are conflicting loyalties to Southern tradition. When one civil rights attorney argued that the segregation by sex was a racial affront, Judge Bell commented: "You're trying to get the last ounce of flesh out of these people, aren't you?"

But Bell and a majority of the judges are trying hard to spell out what is permissible and what is not and thus head off new dodges and delays.

"How's the best way to get out of the school business?" said Judges Charles Clark, a Mississippian and Nixon appointee. "That's what we're looking for."

The Justice Department said in its brief for the 13 cases that the court would have trouble setting forth any such "universal criteria" that could apply all across the South. That was typical of the department's position during the hearings; it never asked for outright delay, but neither, as one private civil rights attorney observed, was "inflicted with any sense of urgency."

On the question of "universal criteria," however, the hearings—and the history of East Feliciana—suggest that the department is right, the judges are in for disappointment, and the litigation will go on.

The lawyer for the black East Feliciana parents is Richard Sobol. Like many of the civil rights attorneys in these cases he is Eastern and young, a New Yorker now living in Washington, 32 years old. He was 28 when he first filed the suit in 1965, and as he noted in his argument, today was the sixth time it has come back to the Fifth Circuit.

The Parish has about 1,400 white and 3,000 Negro pupils. It had no desegregation until two years ago when it went to freedom-of-choice. It had about 2 per cent of its black children in formerly all-white schools last year, and no white children in its all-black schools.

Last school year, Sobol asked a Federal district judge to make the school board adopt a desegregation plan that would produce results. The judge refused, and the black parents appealed.

The Fifth Circuit came down on the black parents' side in the spring, ordering East Feliciana and 36 other Louisiana parishes to start genuine desegregation in September.

It suggested that the Department of Health, Education and Welfare propose complete desegregation plans for all 37 districts, which HEW did. Most of the school boards proposed lesser alternatives of their own. In most cases the state's Federal district judges accepted the alternatives.

Under the East Feliciana alternative, Sobol noted wearily today, freedom-of-choice is still the rule, and only about 3 per cent of the black children are in formerly all-white schools. The parish still has all-black schools.

Sobol asked the court to put the HEW plan into effect right away, and to take jurisdiction away from the district judge. Ward, for the school board, opposed both steps.

"We've only had two short years," Ward said of freedom-of-choice, arguing that it would work if given more time.

"Why 'two short years'?" asked Judge Walter P. Gwin. "They were in the union in 1954, weren't they?"

"The question is how long, how long," said Chief Judge John R. Brown.

## SENATE—Thursday, November 20, 1969

The Senate met in executive session at 12 o'clock meridian and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Dear Lord and Father of mankind, as we pause in the day's occupation we beseech Thee once more to—

"Take from our souls the strain and stress,

And let our ordered lives confess  
The beauty of Thy peace."

Deliver us, O Lord, from the petty irritations and harassing pressures which dim the high vision and obstruct the will to righteous action. Spare us from minimizing the important and magnifying the trivial. Give us that balanced perspective which keeps us alive to the true values which promote the fullness of Thy kingdom.

Hear us in our daily prayer, and in all those deeper prayers which never take the form of words.

Through Jesus Christ our Lord. Amen.

### MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILLS SIGNED

Under authority of the order of the Senate of November 19, 1969, the Secretary of the Senate, on November 19, 1969, received a message from the House of Representatives that the Speaker had affixed his signature to the following enrolled bills:

S. 1072. An act to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and title I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended;

H.R. 12307. An act making appropriations for sundry independent executive bureaus,

boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes; and

H.R. 14001. An act to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this act.

### ENROLLED BILLS SIGNED DURING ADJOURNMENT

Under authority of the order of the Senate of November 19, 1969, the President pro tempore, on today, November 20, 1969, signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 1072. An act to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended;

H.R. 12307. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes; and

H.R. 14001. An act to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this act.

### MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on November 18, 1969, the President had approved and signed the following act:

S. 1857. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes.

### EXECUTIVE MESSAGES REFERRED

The President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

### THE JOURNAL

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, November 19, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### NOMINATIONS PLACED ON THE SECRETARY'S DESK—COAST GUARD

Mr. MANSFIELD. Mr. President, in executive session I ask unanimous consent that the Senate proceed to the consideration of nominations placed on the Secretary's desk.

The PRESIDENT pro tempore. The nominations will be stated.