

## EXTENSIONS OF REMARKS

LETTER OF APPRECIATION FROM DR. ANDREW H. HENDERSON OF WILLIAMSON, W. VA., TO THOSE CONCERNED WITH COAL MINE HEALTH AND SAFETY LEGISLATION

**HON. JAMES KEE**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 24, 1969*

Mr. KEE. Mr. Speaker, Dr. Andrew H. Henderson of Williamson, Mingo County, W. Va., an outstanding physician of compassion and unsurpassed reputation in the field of lung diseases, addressed a letter to me dated November 18, 1969, mailed from Williamson, W. Va., on November 20, 1969.

Mr. Speaker, Dr. Henderson at his own personal expense, devoted 30 days of his time in developing factual medical information which he presented in person to the Select Subcommittee on Labor of the House Committee on Education and Labor, with reference to health safety and compensation legislation for those in need.

Because of his concern, Dr. Henderson returned to Washington and testified before the Ways and Means Committee of the House of Representatives on H.R. 10499, which proposes to amend the Social Security Act to provide disability insurance and hospital insurance benefits to people truly in need who are suffering from total disability and/or fatal illnesses, regardless of age.

Because of his intense interest, I do believe that his medical testimony, which was given in laymen's language, was used most effectively by the House Committee on Education and Labor in reporting H.R. 13950 by a committee vote of 30 to 4, which was subsequently passed by the House of Representatives by a vote of 389 to 4.

In his letter, Dr. Henderson congratulates the sponsor of H.R. 9850, as well as the chairman of the House Committee on Education and Labor, the Honorable CARL D. PERKINS of Kentucky; Congressman JOHN H. DENT of Pennsylvania; and those members of the committee who gave their all in their successful efforts to obtain such favorable consideration by the House of Representatives.

In addition, Dr. Henderson, who is the son of a coal miner, has also expressed his gratitude to Chairman WILBUR D. MILLS of the House Ways and Means Committee, and the members of his committee, for their humanitarian consideration of H.R. 10499, which proposes to make medical care available to those disabled, regardless of age.

He commends Mr. W. A. Boyle, president of the United Mine Workers of America; Mr. George J. Titler, vice president of the United Mine Workers of America; Attorney George Burnett of Charleston; Lew Evans, safety director; and others of President Boyle's staff for their effective work.

Because of factual information contained in Dr. Henderson's letter, I include his letter in the CONGRESSIONAL RECORD for the purpose of sharing the true history of these legislative endeavors in order that the public record will clearly show for the world to see the effective work contributed by those responsible for these vital advancements.

WILLIAMSON, W. VA.,

*November 18, 1969.*

HON. JAMES KEE,  
Congressman from West Virginia,  
Washington, D.C.

DEAR CONGRESSMAN KEE: I want to take this opportunity to express my gratitude for having been able to take part in the struggle for justice for miners for Health and Safety Legislation, which seems to be progressing satisfactorily in Congress, and we hope in the States of West Virginia and Kentucky.

In being in favor of the proposed Federal Coal Mine and Health Bills of 1969, and H.R. 10499 which would make medicare benefits available to totally disabled miners regardless of age, and also, would make it easier for miners with lung disease to get disability.

Please accept my congratulations to you and your co-worker, Congressman Saylor of Pennsylvania, Wilbur Mills, Chairman of Ways and Means Committee and his committee, Carl D. Perkins of Kentucky, Dent of Pennsylvania, et al. Also, I want to commend W. A. Boyle, President of the U.M.W. of A. and George J. Titler, Vice President, Attorney George Burnett of Charleston, Lew Evans, Safety Director and others of President Boyle's staff. It is regrettable that these dedicated men have been attacked in the press by a handful of irresponsible people. But nevertheless this mammoth undertaking in these bills in Congress have proceeded forward and hopefully will benefit all the laboring classes including the coal miner.

Being the son of a coal miner, I am indeed thrilled to see this team of humanitarians at work bringing comfort to so many mining families in America.

Please convey my congratulations to all these dedicated men who have been so effective in this endeavor.

Sincerely yours,

A. H. HENDERSON, M.D.

CHARLES MARSHALL WASHBURN

**HON. MARGARET CHASE SMITH**

OF MAINE

IN THE SENATE OF THE UNITED STATES

*Monday, November 24, 1969*

Mrs. SMITH of Maine. Mr. President, Charles Marshall Washburn, the forestry, farm, and fisheries editor of the Bangor, Maine, Daily News, was recently singled out to receive the Distinguished Service Award of the American Forest Institute.

The award is presented annually by the AFI, which is the communications and education arm of the forest industries in the United States. The recipient is a person from outside the industry who has contributed toward the better understanding of the forest industries.

I am pleased that a man from my home State of Maine was selected for this honor because of the importance of

forestry to our economy and future and because it indicates that our newspapers are maintaining a balance of interest between efforts to preserve our natural resources and to develop them properly.

Mr. Washburn received the award during the AFI's annual meeting in Washington. His "few words" of acceptance were one of the highlights of the gathering and I believe they exemplify the sincerity which won him this award.

I ask unanimous consent that Mr. Washburn's remarks be printed in the RECORD.

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

REMARKS OF CHARLES MARSHALL WASHBURN ON RECEIVING THE DISTINGUISHED SERVICE AWARD OF THE AMERICAN FOREST INSTITUTE, WASHINGTON, D.C., OCTOBER 28, 1969

Thank you Mr. Sutton and thank all of you very, very much for what has happened.

Early yesterday morning prowling around the hotel corridors like a cat in a strange garret—trying to get oriented a little bit and find out what is going on—we came on to a big conference room that looked like what may be the scene of activity for one of these meetings, so we went in. First thing we found is that big sign that says, "What are we going to do about the old people?"

After that little but shattering experience we retired to the main lobby where we met one of our oldest friends, Bob Jones, and we got back to the realities of life. And our problem at the moment was not what to do with the old people but it is how to convey to you our thanks and our everlasting appreciation for what you have done here today.

Mr. Hodges, I think, knows quite well that a newspaper man deprived of his typewriter is handicapped and we are handicapped today by having to try to express in words our appreciation without the advice and counsel of our faithful and understanding typewriter.

One day last spring after the snow had melted away from our northern Maine cities, because regardless of what you may have heard to the contrary, the snow does melt in Maine—for a few weeks. Two small boys were in back of their home playing in the tall grass with a homemade magnifying glass. The grass was dry, the wind was blowing and it was bright sunshine and you foresters know what inevitably happened. After a couple of valuable homes in the area had been scorched, and the shrubbery burned black, and the traffic tie-up on the nearby express highway, which happened to be downwind, was cleared up, the fire department recalled its men and equipment, and a police officer went over to interview the badly scared boys. He concluded his report by saying that the two boys appeared to be astonished that what they had done had caused so much excitement.

I am a little bit astonished today that what we have done should have caused the American Forest Institute to give us this honor. Very great honro for doing what we felt was only our duty—how a newspaper writer in the state of Maine, a state that depends on the forest industries, for three-fifths of its cash income—more than \$700 million—could do anything else is a mystery to us. Many times in the past few years I have been sorry that I didn't have brains enough to be a forester. But right now from this point on, I wouldn't envy any forester because of this honor that has been paid here today.

Our early association in life on a Down East Maine farm stands out as one of the influences that Mr. Sutton spoke about. Some might not think this is important but there are those among our people who don't think that the industries of agriculture and forestry are important anyway when they are the basic concerns of all of our own people and one of the fundamental industries of our nation.

But some people continue to speak slurringly about them and say that they are relatively unimportant but they are important to those of us living in rural Down East Maine, not only because some of the early lessons that we learned there were contrary to the doctrines of protest and dissent advocated by some of our people today as a means of bringing about their ideal civilization, but because it was the beginning of a long trail that led to this meeting here with you today.

It was on the Down East Maine farm that we personally became acquainted with trees and the people who work with them.

Every important Maine farm had its woodlot. They weren't dignified with the expression "forest," in those days, although in the aggregate they made up a considerable portion of the 17 million acres of forest land in the state of Maine.

They were privately owned woodlots in the highest sense of the word—hard working woodlots and the original multiple use woodlands if there ever were any. They supplied fuel for the farm home, and they supplied lumber for its buildings. They supplied recreational opportunities for the farm family, game for fall hunting, and fish if the farm boy had time to explore the clear running streams that rushed from the woodlands in the spring.

In the late fall, when the first snow covered the fields of the farm land, it signified the end of the harvest time. The men folk, as we called them in those days, went in the woods to complement the farm income with a harvest of pulpwood or saw logs or whatever might be available without destroying the value of the woodlot.

Frequently, local schools in the towns suspended classes during the cold weather. The practice of carrying children from the far corners of the town in a heated school bus wasn't favorably considered in those days. But the inclement weather that forced the closing of the schools didn't excuse the farm boys from going into the woodlot where they were expected to make their contribution.

But even if the schools did suspend their lessons there were practical lessons to be learned in the woodlot. Lessons about the harvesting of mature trees; and of leaving slash around to fuel a possible forest fire; and about leaving a cleared space above the young trees so they could grow tall and straight and maintain the value of the woodlot for future years and generations.

There are lessons about keen appreciation of a farm home on a cold winter night after a hard day's work in the woods. More importantly, there are lessons about pride in the ownership of a stretch of woodland—a little piece of America. We learned about the men who work in the woods with trees, that woods work is an honorable way for a man to make a living, then and now. And that trees, sturdy and dependable trees in the woods, have the capability of shaping the character of men who work with them and their products.

The northern forests have a way of dealing harshly and severely with the weakling or the charlatan. They are instinctively averse to such association. But they can richly reward and embrace the man of honest purpose and good intent.

It is a little bit like the sea shapes the character of the master mariner. Or like the plow molds the traits of the farmer who follows it. And I just wonder if our country

could do with a few more of these sturdy characters in public life today.

Someone once described a certain four-legged animal as being man's best friend. Disputing that assertion is the surest way we know of to start an argument, but we would like to submit that a tree is probably the strongest ally that a man could have in his journey through life.

If the ultimate nightmare should occur sometime, if man should awake and find that all of the products of the forest have been thrust away in the night just what would be his chances for survival in the world today? Even in this age of synthetics and plastics. And if he did survive, what kind of a man would he be?

You in the American Forest Institute have an exciting and responsible place to play in the future development of our forests because there are people in public life today, in influential places, who will claim that the forest industry people are only interested in destroying the natural resources for their own personal financial benefit. And yet strangely enough, these people will raise no war cry whatever, when strip miners devastate an island off the Maine coast.

Couldn't we wonder a bit in passing if some of the troubles facing our forest land owners today might be caused by the fact that too many of our people are getting removed from actual contact with the land? Couldn't some of the clamor of public ownership of woodlands be accounted for by the realization on the part of some of our people, either unconsciously or subconsciously, that they as individuals can never hope to own a river or a lake or even a tree.

I would like to conclude this little presentation today with an expression of thanks to all of the forest industry people who have been so helpful in the past. Their advice has always been freely given, their counsel has been wise, and they have been very tolerant when we made mistakes. They should be the ones who are getting this recognition today.

Mildred and I are very grateful to all of you for what has happened today. I think this event is probably going to stand out as one of the brightest spots in our life together.

We are going back some day to eastern Maine to a little community down there, even back to the little woodlot where some of the friendly trees are still standing. When we do, we will think about this.

The trees have withstood the encroachments of the megalopolis, or had—the last time we looked. We still own them and we have reason to believe that they will be in the family for at least one more generation if we can keep the bulldozers and the oil refineries away from them. While we are doing that we will think of this bright day here.

And thank you all very much.

FRANCIS E. LAVIGNE, BROCKTON  
LABOR LEADER

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. BURKE of Massachusetts. Mr. Speaker, may I take this opportunity to report the passing of one of Massachusetts' great labor leaders. Francis E. Lavigne died on November 8, 1969, at the age of 61. He served for 14 years as president of the Brockton Central Labor Council and was active during his lifetime in labor organizations. Frank

Lavigne was a friend of mine for over 30 years. He was personally acquainted with every Member of the Massachusetts congressional delegation. We all held Frank in high regard. He exemplified all the good things in life and was a very effective leader in the labor movement.

Frank Lavigne also interested himself in many charitable causes. He served as a member of the Massachusetts Commission for the Physically Handicapped, United Fund, and the Greater Brockton Red Cross.

A good husband and father, he leaves his wife, Ann Onges; two sons, Philip E. of Germany, and P. Francis of Brockton, Mass.

My sympathy and prayers go out to his lovely wife and two sons at this time of sorrow.

Mr. Speaker, I am including two news articles concerning the passing of Francis E. Lavigne, a good American, in the RECORD at this point:

[From the Brockton Daily Enterprise, Nov. 8, 1969]

FRANCIS E. LAVIGNE, 61, DIES AFTER LONG ILLNESS; WAS BROCKTON LABOR LEADER

Francis E. Lavigne, 61, of 18 Yarmouth Ave., president of the Brockton Central Labor Council for 14 consecutive years and long-active in labor organizations died late this morning at Brockton Hospital after a long illness.

He was born in Brockton and was a resident of this city all of his life. He was educated in Brockton schools and graduated from Brockton High School in 1927.

Mr. Lavigne was employed as a truck driver from 1933 to 1940 by the Brockton Transportation Co. From 1940 to 1942 he worked as business agent for the Teamsters Union, Local 653, and as secretary-treasurer of that union until 1949.

At the request of Conciliator John J. Sullivan of the U.S. Dept. of Labor, Mr. Lavigne was named as a labor member of an arbitration panel which discussed stated grievances at Holy Cross Labor Relations Institute in 1946.

Mr. Lavigne was employed as the first director of political action and education of the Massachusetts State Labor Council, AFL-CIO from 1950 to 1958, at which time he was appointed director of the Dept. of Education and Research of the Massachusetts State Labor Council, AFL-CIO.

He entered organized labor early in his adult life, having first been elected President of the Brockton Central Labor Council, AFL-CIO, in 1955, a post he had held since that time.

In September of this year, he was voted a member and business manager of Local 696, Hotel, Restaurant Workers' and Bartenders' Union.

Mr. Lavigne was a member of Division 1, Ancient Order of Hibernians and a trustee of the Fireworks and Munitions Workers Union, Local 22694. He was a very active member and organizing official of local United Fund drives and also served as a director of the Greater Brockton Chapter of the American Red Cross.

He also served as a member of the Massachusetts Commission for the Employment of the Physically Handicapped, a director of the Massachusetts Higher Education Assistance Corp. and a trustee of the New England Economic Education Council.

Mr. Lavigne married the former Anna Onges on Nov. 11, 1933 in St. Rocco's Church, now St. Casimir's Church.

Funeral arrangements will be announced from the Russell Funeral Home, 165 Belmont St.

[From the Boston Globe, Nov. 10, 1969]

STATE OFFICIAL OF AFL-CIO, F. E. LAVIGNE

BROCKTON.—Services will be Wednesday for Francis E. Lavigne, 60, of 18 Yarmouth av., director of education and research for the Massachusetts State Labor Council, AFL-CIO.

Mr. Lavigne died Saturday at Brockton Hospital following a short illness.

Born and educated in Brockton, he was president of Brockton Central Labor Council for 14 years and was appointed to his present post in 1950.

He was a director of the state Higher Education Assistance Corp., and a trustee of Fireworks Munitions Workers Union Local 22694 and New England Economic Education Council.

Mr. Lavigne was a member of the Massachusetts Commission for the Physically Handicapped, United Fund, Ancient Order of Hibernians and Greater Brockton Red Cross.

He leaves his wife, Ann (Onges); two sons, Philip E. of West Berlin, Germany, and P. Francis of Brockton.

A high Mass of requiem will be offered at 9 a.m. Wednesday in Our Lady of Lourdes Church, Brockton.

AWARD OF DOCTOR OF SCIENCE  
DEGREE BY LOYOLA COLLEGE,  
BALTIMORE, MD., TO ASTRONAUT  
WILLIAM A. ANDERS

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Monday, November 24, 1969

Mr. MATHIAS. Mr. President, at its fall honors convocation on October 26, 1969, Loyola College of Baltimore, Md., presented the doctor of science degree, honoris causa, to Astronaut William A. Anders.

I ask unanimous consent to have printed in the RECORD the welcoming remarks of the Very Reverend Joseph A. Sellinger, S.J., president of the college, as well as his introduction of the honored guest on that occasion.

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

WELCOMING REMARKS

To our most honored guest, Mr. Anders, to our distinguished visitors on the platform, students, members of the faculty, parents and friends—I extend a most sincere welcome.

It was on May the twenty-fifth, 1961, that President John F. Kennedy made his proclamation before a joint session of Congress that the United States of America would put a man on the moon in the decade of the sixties. This message came shortly after Mercury One, when Commander Alan Shepard lifted off from Cape Kennedy in Freedom Seven. Then came all of the Mercury, Gemini and Apollo flights, down to Apollo Eleven and man's first walk on the moon and Neil Armstrong's "a small step for man, a giant leap for mankind."

Five hundred years before the birth of Jesus Christ, the Greek philosopher, Heraclitus, one of the leading thinkers of his time, taught that the moon had a diameter of one foot the size of a dinner plate.

Man had begun to study the heavens. Ptolemy's geocentric conception of the universe was revised over the next two thousand years by Galileo, Newton, Einstein and hundreds of other independent thinkers recording and passing on their observations.

On July the twentieth, 1969, in the twelfth

year of the space age, this resulted in man setting foot upon Heraclitus' dinner plate for the first time.

Cardinal Newman noted, "Change is the sign of life." People and institutions have always had to change. But change is coming faster now and will come faster yet. We perceive today as a time of sweeping change. In a few years, we may view it as a time of creeping change.

Individuals and institutions are being forced into a constant re-examination of the way we do things, the way we think, even of our most fundamental beliefs. And that makes us nervous.

Not all change is good; some change should be resisted. It is the job of the college or university to prepare its graduates to face change, to initiate change, and to respond wisely to change. Not only should Loyola College prepare its students to deal with change, it must handle the problem itself.

For a few moments, may I share with you some of my reactions, some of my frustrations and my opinions as I deal with the phenomenon of change.

We begin with a basic premise that to resist change is to resist the inevitable (not a very mentally healthy prospect); that to change and prepare for change and to know how and why you should change is the challenge to both the college and its community of faculty and students.

We are often asked if today's Loyola student is changing his institution, or does it just seem that way.

If you look around the country, for better or for worse, students are changing institutions. In the past, colleges told their students what to do. The students came to the college and took the programs that were given them in their majors and minors, and it seldom entered a student's mind that he had any rights in regard to the direction of his own program. That has changed a great deal in the past few years. Loyola's students are now involved with college committees, but not in the radical manner seen on other campuses where you find confrontation politics. The majority of students—the great silent middle, eighty percent of the students—want to get their education, and they are the ones we are not hearing from.

How are students changed by the colleges these days?

Coming to college is something like the puberty rite—the reaching into adulthood. The student has to stand back and look at himself and say: "People have always told me who I am; now I have to find out myself."

Therefore, some of the givens, many of them part and parcel of his homelife, will be re-examined. One of these that the student will always examine is his religious commitment.

This campus is predominantly Catholic, and we have statistics to show that there is a drop in religious commitment between the beginning of freshman and the end of sophomore years. The student is going through a crisis of faith—better yet, a maturation of his faith. He is examining his belief on a more adult level.

In the process of trying to find out your identity, the easiest thing to strike out at is what your parents believe. But many, when it is all said and done, admit: "I'll probably wind up pretty much as my parents are." In other words, there is a going and a return.

The learning process can be a very exciting change in the life of the college student. The human contact between people of different ideas, plus the stimulations of the professors, is a marvelous thing in the ideal order. In his past, the student might not have been thinking of the whole sweep of history, but now he is forced to do so. Even though the student of today says that he is part of the NOW generation, he still needs to know about his past.

I have seen freshmen come in terribly frightened. They do not want to say anything

except what the book says. All of a sudden, they find out that people expect them to form their own opinions.

Today's students have a great tolerance for other students. They say: "Do your own thing." They call someone a "beautiful person," and they don't mean "Adonis." This business of getting interested in the inner life of someone else is one of the changing givens of today.

We call ourselves a Christian college; we call ourselves a Catholic college, and we say that we are imbued with the concept of education that has come down through the Jesuits.

A student comes here with a commitment to Catholicism, but he is going to go through that process we find everywhere today—questioning and rebellion.

There are people who say they don't find enough of an atmosphere of Catholicism here, and there are those who find the Catholic influence too strong. The one thing we have to realize is that you cannot make a person religious, and you cannot command a commitment, but you can provide the opportunity for a religious commitment to be developed.

Beyond the many opportunities provided by faculty and staff, the only significant influence on religious commitment comes from fellow students who are on fire with that commitment. You have to start with people. Nobody is affected by a mimeographed doctrine.

Let me repeat one last question—When does the student demand for change become rebellion?

When the rights of the students and faculty are impaired by the demands of fellow students, then change is rebellion. By impaired, I mean when a student's ability to participate in a functioning college is stopped. The desire for change becomes rebellion when a law is broken. Change has to be made within the law, or American society is through.

I close with a prayer of our honored guest of last year's Convocation, Dr. Paul Horgan:

"And we give thanks to Him from Whom we all receive whatever share may be ours of Faith and Vision, love of life and desire to celebrate it in Acts of Creation through the artist's passion and the scientist's and technician's discipline. We give our thanks for whatever of these may dwell in us by His favor, and by His favor may move us to our daily task."

INTRODUCTION OF WILLIAM A. ANDERS

In my previous remarks, I made mention of change and its effect on all of us.

Today, roles have changed. It has been the custom at the Fall Honors Convention to pay special honor, not only to our outstanding students, but also to an outstanding person of the world. However, at this hour, it is Loyola which is truly honored by the man who is her newest alumnus.

He was born in Hong Kong a few years before his Navy Commander father, Arthur Anders, displayed extraordinary heroism in helping to save the lives of seventy-two crew members aboard the gunboat U.S.S. *Panay* when it sank, after being bombed by enemy planes in 1937.

Since graduation from the Naval Academy in 1955, degrees and promotions and honors, as well as responsibilities, have been showered on him. Most important of all of those responsibilities are his wife, Valerie, and their five children. Since his selection as an astronaut in 1963, his responsibilities continued to mount, as he served as backup pilot for the Gemini Two mission and then as lunar module pilot for the historic Apollo Eight mission, man's maiden voyage to the moon in December 1968.

Hailed as one of history's boldest explorers by President Lyndon Johnson on the occasion of receiving NASA's Distinguished Service Medal—the space agency's highest

honor—our guest of honor has remained the quiet, enthusiastic, personable young man so described by his soccer coach at the United States Naval Academy.

Loyola College extends her warmest welcome to her latest son, the man who knew what he wanted to do, gold tooth and all.

#### REVIVING JOE McCARTHYISM

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. MICHEL. Mr. Speaker, after spending this past weekend back in my district, I can report that Vice President AGNEW is the most widely discussed public figure today with the overwhelming majority of people in support of his recent public statements directed toward certain segments of the news media as well as the activities of demonstrators of all kinds.

An editorial appearing in the November 23, 1969, edition of the Peoria Journal Star discusses the attitudes and reactions of those whom the Vice President has spoken about and I think will be of interest to my colleagues. I insert the editorial in the RECORD at this point:

#### REVIVING JOE McCARTHYISM

(By C. L. Dancy)

This is a note for the young people now hearing hysterical talk about a "new wave of McCarthyism" in the wake of Spiro Agnew's speech—and who only knows what they are told about "McCarthyism."

The sin of Joe McCarthy was not that he attacked "communists and fellow travelers . . ." (although for some it was this direction, it appears, that they found unforfeitable.)

His sin was that he practiced character assassination by innuendo, abusive language, fuzzy "associations," and the most exaggerated and manipulated "circumstantial evidence."

He could take a molehill of suspicion, and by propaganda means, misrepresentation, and innuendo blow it up into a mountain to crush the reputation of a chosen victim.

This vicious and immoral practice is not, however, the exclusive tool of "anti-communists," and it has, sad to say, never been absent. The snide "wit" of the new McCarthy—Eugene—has been the same technique simply used against different targets.

Character assassination by a blizzard of irresponsible charges which melted over and over again under committee investigation but left the same deep residue of successful "smear" has certainly marked the attack on the Haynsworth nomination.

#### A "LIBERAL" PRACTICE

It has been practiced energetically and incessantly against Spiro Agnew, relying almost entirely on innuendo and misrepresentation, a favorite McCarthy trick of quoting out of context, and sometimes of unadulterated misquotation. This has gone on for a full year, gayly practiced, among others by a host of TV "newsmen" and actors, some actresses, and comics on TV month after month. Yet, these people would throw up their hands in horror about "Joe McCarthy" for it is a code word in the ritual by which they "identify" with "liberals." (The creation of such code words was another of Joe's tricks, that they have taken as their own.)

And now the same old familiar clique is developing its new set of code-words and phrases and attitudes—which, of course, in-

clude sheer horror that one of the targets of their uninhibited campaign of character assassination has actually talked back.

That is a terrible crime.

So suddenly, "Spiro Nobody" is sold to us as a frightening monster.

The butt of their ridicule and abuse has suddenly turned into the image of Genghis Khan, instead of the pitiful nothing they treated him as until he talked back.

#### CRUCIFYING AGNEW

They have every "freedom of speech" to crucify him by the old McCarthy techniques—but if he talks back and defends himself, horrors! This is intimidation!

He must keep his mouth shut, lie down, and submit to being cut to ribbons by the present-day innuendo experts. He must accept being run over by the streamroller silently.

These people have been using every trick McCarthy ever knew and have invented at least one new one—the device of arguing only with yourself, and thus emerging as a "winner" every time!

Now suddenly, they don their tin halos, purse their lips piously, and "fear" that Agnew's long-overdue response may revive the ghost of Joe McCarthy.

We have news for them. That spirit is alive and well and living in their own bosoms, and their own conduct.

And it is just as sickening in its new-found home, as in the original.

But what they have forgotten about McCarthy is the most important thing . . . such a technique is and was self-defeating.

#### MARYLANDERS AID A SOUTH KOREAN ORPHANAGE

### HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Monday, November 24, 1969

Mr. MATHIAS. Mr. President, last month Mrs. William Mackinzie, of Emmitsburg, Md., received a letter from her husband, presently serving in the U.S. Air Force at Kunsan Air Base, South Korea. In that letter, M. Sgt. Mackinzie described the deplorable condition of a nearby orphanage.

The Mackinzie, Mr. Eric Glass, president of the Taney Supply & Lumber Co., who contributed all packing and shipping costs, and the many other Marylanders who responded to this human need are to be commended.

I ask unanimous consent that an account of their response, published in the Emmitsburg Chronicle of October 24, 1969, be printed in the RECORD.

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

[From the Emmitsburg Chronicle (Md.)  
Oct. 24, 1969]

#### LOCAL HOUSEWIFE CONDUCTS DRIVE FOR KOREAN ORPHANS

An Emmitsburg, R2, housewife, "haunted" by the conditions of squalor and poverty in an orphanage in South Korea—described to her in a letter from her Air Force husband—has decided to do something about it.

Mrs. William Mackinzie has asked and received permission to place receptacles at various locations in Emmitsburg—the Public School, Mother Seton School, the town library and the laundromat—in which the public can deposit clothing and other items which she will mail to her husband's USAF unit to give the orphans for Christmas.

She is also asking others in the county for help.

This is the part of her husband's letter—M/Sgt. William Mackinzie—which led her into her effort:

"The captain asked me to ride along to town with him to go to the orphanage to take some money to them—the so-called place where the kids live is absolutely terrible; you just can't imagine the dirt and filth those poor kids live in.

"Those kids are all infants to seven years old. We had taken along a bag of candy for them—those little faces were beautiful when I started passing it out one little guy dressed in a sweater and nothing else, didn't get one, and the little girl tried to tell me, he went crying around the corner and of course, soft-hearted me, went after him, then I just gave all the candy to them, some had four or five pieces and then they were all smiles!

"After taking pictures all the way to town I just couldn't take any inside the yard, it was so bad. These kids and babies have nothing from day to day except what the guys at the base give them.

"We are in the process of building them a new house but it's done by the month after each payday. They can only buy so much cement and blocks with the money they get. It's so pathetic . . ."

Mrs. Mackenzie said, "This is a verbatim quote from a letter I received last week from my husband, who is stationed with United States Air Force at Kunsan Air Base, South Korea—and it has haunted me ever since it came.

"In this troubled age of anti-Vietnam demonstrations and so-called moral turpitudes, why can't we here at home make some small token of support for our men over there?

"And what better way than a clothing drive for these children of the orphanage that these men of ours in Korea are interested in helping?

"So, therefore, I have asked for and received permission to place boxes at various locations in Emmitsburg; the public school, Mother Seton School, the town library and the laundromat.

"I am requesting on behalf of my husbands' outfit, the 354th Combat Support Group, any contributions of children's clothing, small clean stuffed animals, bars of soap, small combs, barrettes, etc., and candy for their Christmas trees.

"I already have one pledge of financial assistance from a firm in Taneytown, which will help pay the postage on these packages to Korea. However, more help is needed.

"Any church organization, business firm or any private party who wishes to help please get in touch with me by November 5 at 447-2507 or write me, care of Paul Glass, R2, Emmitsburg, Md.

"If you have clothing you wish to donate and can not get them to one of the collection boxes, please call me and I will have them picked up. Any and all help will be gratefully accepted."

#### CLAY HITS HARD AT NIXON

### HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. HAWKINS. Mr. Speaker, it has become abundantly evident that in William L. Clay the voters of St. Louis made an admirable choice. In commenting on a recent speech of his, the Kansas City Call referred to him as "hard hitting," "a strong fighting advocate," and "a man of the people," accolades not lightly conferred by that venerable publication.

I am pleased to insert the article in the RECORD:

[From the Kansas City Call, Oct. 24, 1969]

CLAY HITS HARD AT NIXON

Black Missourians and ordinary Joes everywhere have a strong fighting advocate in Congressman William L. Clay of St. Louis: "Bill" Clay, as he is called by many of his constituents, made his first speech as a Congressman in Kansas City this week and greatly impressed his audience, not so much with his eloquence but with the sincere and forthright manner. In which he presented hard, cold and sometimes shocking facts, and with the depth of his concern for the poor and disadvantaged—of whatever race or origin.

Congressman Clay gave plentiful evidence that ours is a sick society and he hit hard at President Nixon's ineptness in facing up to the problems which are his as the current occupant of the White House. Clay hit hard at Nixon, calling him a President more interested in big business, and defense contractors than in people—and more concerned about profits of the rich than problems of the poor.

Clay pulled no punches in lambasting the President and his audience got the feeling that his criticism was genuinely aimed at the policies and practices of the new administration without regard to political differences. It was not a Democratic Congressman finding fault with Republican President on a partisan basis. Rather, it was a man of the people speaking for the people—the little people—that he represents not only in the first Congressional district of St. Louis, not only in Missouri, but all over America.

In the language of the street, Clay has "the goods" on Nixon and he did not hesitate to tell in detail how he feels the President has failed the American people. Judging from the applause which Congressman Clay received at the conclusion of his speech, there were not many Nixon supporters or sympathizers in the audience made up largely of social workers and citizens interested in the welfare of people.

But whether the audience had been sympathetic or not, those who know Bill Clay say that he speaks out strongly and forcefully regardless of the sentiments of his listeners. He was known as a fighter when he was a private citizen and an alderman in St. Louis, long before he thought of running for Congress. It will be recalled that he went to jail in a celebrated Jefferson bank case for principles in which he believed.

The Missouri Association for Social Welfare performed a public service by bringing to Kansas City the hard-hitting freshman Missouri Congressman.

St. Louis voters, made a good choice when they sent Bill Clay to Congress.

LAND REFORM IN SOUTH VIETNAM

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. HICKS. Mr. Speaker, much has been said over the years about "the other war" in South Vietnam, but with the peace negotiations and troop withdrawals this "other war" has receded from public attention in many ways.

An exception is the State of Washington, which has had a complete report on land reform, problems of getting policies converted to action in Vietnam,

the internal effects in Vietnam of our policies, and so forth.

I refer to a series of articles which appeared recently in the Seattle Post-Intelligencer, written by Frank Herbert. Mr. Herbert accompanied by Dr. Roy L. Prosterman of the University of Washington, who has had land reform in Vietnam as a major field of interest for years and has assisted the South Vietnamese Government in its land reform effort.

Most of us have been interested in this subject, Mr. Speaker, but there has not been much information available. These are excellent articles, and I commend them to the attention of my colleagues. The first article in this series follows:

SAIGON WORRIES ABOUT LAND REFORM FUTURE

(By Frank Herbert)

SAIGON.—Worried officials here began focusing attention yesterday on Paris and the critical question: Do our negotiators see and understand the leverage they can get against Hanoi if massive and effective land reform is carried out among the peasants of South Vietnam? The chief worry here is whether Philip Habib, the U.S. political adviser in Paris, is emphasizing the same irrelevant and superficial questions he did when he was chief political adviser at the embassy in Saigon.

Habib was known to pound the table and shout down those who disagreed with him on land reform in meetings here.

The documentary evidence is conclusive he not only fought against land reform in Vietnam but sabotaged it.

Longtime press and internal officials here also give him the major blame for misleading former President Johnson on some of the worst mistakes in Vietnam. Habib, they say, actually made policy, but people in more exposed positions took the blame.

Files here make it clear how he undermined the effort by Ambassador Lodge to get Washington approval for the proposal of a specific package on land reform.

Lodge, replaced by Ambassador Ellsworth Bunker in the spring of 1967, thought he would be able to get the package approved on his return from Washington but stopped en route for a brief vacation.

This gave Habib time to put together a series of cables to key government figures. The cables were so much against reform that they set up a solid wall against the Lodge plan. This wall greeted the ambassador on his arrival at Washington and he abandoned the plan.

More than 20,000 United States soldiers have been killed since then, many by Viet Cong recruited from among disaffected peasantry, starving tenant farmers and sharecroppers.

Obviously time is running out.

Many in U.S. agencies here appear to be out of touch with the political situation stateside and the critical need for effective reform before the coming rice harvest which begins in December and extends into February.

Men in the field feel this is the last chance for massive political impact before the war is settled one way or another.

The issue can be boiled down to an easily understood political problem, the need for as many votes as possible in the Vietnam countryside. This is because it is very likely the form of election will be tied to any settlement.

HABIB

The issue now is whether Habib, who was such a prisoner of past mistakes, can help make effective policy in Paris.

According to Herman Kahn, director of the Hudson Institute and consultant to the Johnson administration, Habib was chiefly

responsible for the Rand Corporation study on land reform.

Among the report's conclusions, is the claim that landowners in Vietnam are the main contributors to political stability. The report went so far as to indicate a concentration of land in fewer hands would increase security, and landowners here are the only people the U.S. can trust.

It is now pretty well understood here that the landowner group comprises many who are among the most opportunistic and would be first to dump the U.S. in a crisis.

Rand conclusions are even disputed by leading southern landowners. They promised to carry out effective reform if granted a share in the power in Saigon by the northern military faction which then was in control.

Previous to the Rand study, Lodge was a strong advocate of reform and publicly described "land to till" as the most effective Cong appeal to the peasantry.

EDITOR

Later it was discovered that the Rand report was prepared primarily by an editor who never had been to Vietnam and who made superficial use of data which he did not understand.

We have seen where reliance only on landlords has taken us. The complete error of this policy, which echoes bloody mistakes we made during the Diem-Nhu period, has been realized by the new U.S. administration.

Our failure to seek a wide base of peasant support has virtually conceded large areas of countryside to the Viet Cong. It has assured them a constant supply of recruits and intelligence.

It is difficult to understand how policy makers here could ignore three major indices on progress of guerrilla war such as enemy casualties, captured weapons, and quality of intelligence.

INTELLIGENCE

The continued high number of insurgent deaths means basically they can afford such losses.

The box score on captured weapons is a major index of effectiveness. The quality of intelligence in the field is the true indicator of where population sympathies rest.

On all counts, the U.S. still is in bad shape.

Observers in the field are virtually unanimous in agreement with the late Bernard Fall that land reform is important as ammunition for howitzers, perhaps more important because it has longer range and greater impact.

This is something every military line officer I have questioned concurs with in angry vehemence.

None see it as a total answer, but all agree reform is an essential foundation of any lasting stability in Vietnam.

A district administrator career officer in one of the hottest areas called reform "the most important issue in the war."

These are men who see their soldiers killed, maimed by mines and booby traps the Viet Cong recruits planted. More than half of the present U.S. and army of Vietnam casualties now are attributed to such.

These officers know considerably more about the physical and psychological problems in the fields than does the U.S. Saigon bureaucracy which seldom strays from its air conditioned cars.

Much of this bureaucracy never sees the brutal reality of the field, the chief contact with the countryside being carefully arranged and carefully insulated tours.

This is demonstrated with frequent dramatic shock when you compare what you are told in Saigon with what you discover when you go into the field.

Example: one of the leading U.S. aid officials described "great progress" being made in general education "all through south Vietnam."

## EDUCATED

In the field you discover the illiteracy rate in hamlets and villages is almost constant. The reason is simple. Educated men are not trusted outback either by the Viet Cong or the national police. For their own safety, such men gravitate to cities where a teenage driver for a U.S. official can earn more than a district chief.

Ultimately, we are getting land reform through the firm decision of President Thieu. His decision goes directly counter to many things he has been told by U.S. officials in the past.

Happily, this is no longer the case in crucial areas of the U.S. aid mission.

Key advisers here have just assembled a 13-point recommendation to the Saigon government which reflects point-by-point major elements hammered out by Roy Prosterman in the past four years.

The mission white paper is especially emphatic against any form of tenant land retention by landlords. The mission urges that the eminent domain process take all lands for reasons of fairness to oppressed farmers and for simplicity and speed of administration.

It is now likely that the laborious legislative process may not produce a law before November. This is dangerously close to harvest.

Effective "land to till" as promised by President Thieu would affect some five million people in 800,000 farm families, and would infuse hamlets with middle class stability which is desperately needed in the political war against the Viet Cong.

The big question now: does Paris know?

#### POLL IN SEATTLE INDICATES OVERWHELMING SUPPORT FOR NIXON'S WAR POLICY

### HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. PELLY. Mr. Speaker, the Seattle Shopping News, a newspaper with a circulation of 164,000, covering a cross section of all the city's people, recently ran an opinion poll on the Vietnam war. The results of this poll are particularly interesting, in light of the massive amounts of space much of the Nation's press and broadcasting news have given protests lately.

The results of this poll are outlined in a letter sent me by the president and general manager of the newspaper, Nicholas Schmidt, and without objection this letter appears at this point in the RECORD:

NEWS PUBLISHING Co.,  
Seattle, Wash.

Hon. THOMAS H. PELLY,  
U.S. Congress,  
Washington, D.C.

DEAR CONGRESSMAN PELLY: For your information, the Seattle Shopping News ran an opinion poll on the Viet Nam war. There was a grand total of 1,464 people who responded. Here is the breakdown.

1. 409 or 27.9% voted that we should announce immediately the pulling out of all of our troops not later than July 1, 1970.

2. 546 or 37.3% approved President Nixon's policy and believe that we should continue with the President's program.

3. 307 or 21% voted to resume large-scale bombing in North Vietnam using nuclear weapons, if necessary, to obtain total victory.

4. 202 or 13.8% voted for other possibilities, but most of them were a cross section of the other three positions with variations. Only 3% of the Other voted to pull out of Viet Nam. Thus, 69.10% voted to support the President's plan for ending the war or to use every weapon in the arsenal, including nuclear weapons, to obtain total victory.

We thought you would be interested in this overwhelming support of the President's position on the Viet Nam war.

This poll was conducted within the city of Seattle, Washington through the Seattle Shopping News, which is a newspaper with 164,000 circulation, covering a cross section of all of a large city's people.

Yours very truly,

NICHOLAS SCHMIDT,  
President and General Manager.

#### SST APPROVAL—A COSTLY AND DANGEROUS MISTAKE

### HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, the inclusion into the Department of Transportation appropriation for fiscal year 1970 of funds earmarked for SST development, I fear, represents a costly misplacement of scarce funds vitally needed for pressing domestic problems. It is also unfortunate that stringent safeguards relating to protecting the health and welfare of the American people have not been included in legislation relating to this program. The supersonic transport plane presently being developed in the United States by the Boeing Co., the Anglo-French Concorde SST and the Soviet TU-144 supersonic transport will all be passenger-carrying airplanes that are intended to travel routinely at speeds exceeding the rate at which sound travels in the atmosphere. The Boeing 2707-300 is currently in the research, development, and test phase. First flight is anticipated in late 1972 with deliveries to airlines scheduled for 1978. Both competitor SST's have already flown subsonically and are currently projected for delivery to airlines in 1972. According to Dr. William A. Shurcliff, director of the Citizen's League Against the Sonic Boom, the design of an SST is necessarily very different from that of a subsonic plane because of the radically different airflow problems encountered. When an airplane is propelled through the air at a speed faster than sound travels, the air resistance increases enormously, and the impact of the air heats the front edges of the wings and fuselage to several hundred degrees Fahrenheit. Vastly increased power is necessary, fuel consumption is much greater, and new problems of stability, rigidity, and maneuverability arise. A cone-shaped shockwave—sonic boom—is created; it spreads out and progressively strikes a large area of the land or water below. The intensity of any given boom depends upon one basic factor; the weight of the airplane. Recently my staff, in cooperation with those of other concerned Congressmen, researched various issues relating to jet noise and wrote several papers on the subject. One such paper concerned the SST. The plane that

Boeing plans to build will be the largest commercial aircraft in the world and will cruise at 1,800 miles an hour. It will fly at an altitude of 65,000 feet, so its "bang zone" will be 40 to 50 miles wide. The strength of the boom which it is expected to produce is estimated to be between 1.7 and 2.3 pounds per square foot. The chief of the FAA's SST economics section has stated that "it takes a boom of well over 5 pounds per square foot to do property damage, such as cracking plaster," but this does not jibe with Government run tests held at Oklahoma City in 1964. There were 1,253 flights resulting in 15,000 complaints and 4,901 damage claims including a claim by one resident whose \$90,000 home had been split nearly in two. Similar flights over St. Louis in 1961 and 1962 produced 1,624 damage claims—\$58,648 paid—and an experiment over Chicago in 1965 resulted in 2,964 damage claims, with payments finally amounting to \$114,763. The average strength of the Oklahoma City booms was only 1.2 pounds per square foot and not over the 5 pounds supposedly necessary to do damage.

Even if the SST was not permitted to fly at normal cruising speed over the mainland, islands, or main shipping routes, its takeoff noise to the sides would be intolerable. It is admitted that there is a correlation between noise levels and the health of man. Excess noise is a growing cause of, among other things, rapid heartbeat, mental illness, family strife, suicide, and murder. At a symposium on noise pollution recently held in Chicago it was agreed by the scientists present that "environmental din" is doubling with every decade and that it will have us all "on the ropes" by 1975. "It might be a good thing if people's ears would bleed," one environmental psychologist told the meeting, which was held by the American Medical Association. "Then people might get aroused. It may take a disaster like the Santa Barbara oil slick to dramatize the situation. Otherwise, noise pollution could be the last straw, on top of air pollution, that might bring our society crashing down."

The economics re the boom take on serious implications, according to one report of the Ad Hoc Congressional Committee against jet noise, when viewed in the context of an alleged FAA hope that 150 to 200 daily transcontinental SST's will be a reality within the next 10 years. If transcontinental flights are permitted, each one will deliver the boom to approximately 10 million people and will result in paid damage claims of about \$3,000. If each plane made 2½ round trips per day, paid damage claims would amount to \$15,000. If there were 200 such planes making 2½ round trips per day, paid damage claims could amount to \$3 million a day or more than \$1 billion a year. This does not take into consideration the shattering of the solitude of every park and wilderness area in the country and the damage caused to them. Between August 11 and December 22, 1966, some 83 sonic booms, several of which caused extensive damage, were recorded in Canyon de Chelly National Monument, Ariz. One of these booms

loosened an estimated 80 tons of rock which fell on ancient Indian Cliff dwellings and caused irreparable damage. Damage has also been reported in Bryce Canyon National Park in Utah, Mesa Verde National Park in Colorado, Death Valley National Monument in California and Nevada, and Navaho National Monument in Arizona.

The whole SST program places in serious question the commitment of the FAA, the Department of Transportation and of Congress to noise abatement. Thus far, Congress has appropriated \$653 million for the SST. On July 11, 1968, the Senate defeated an amendment to the Aircraft Noise Abatement Act which would have prohibited the SST from flying at supersonic speeds across continental America. The proponents of SST in Congress argued that prohibition of overland flights was unnecessary because the FAA probably would not permit such flights anyway. But the very fact that Congress was unwilling to legislate against sonic boom indicates that overland flights by the SST may be anticipated. It may also indicate the tremendous influence that the Boeing Co. can exercise in the Senate. It is especially interesting to note that the SST program somehow appeared to become connected to the recent ABM controversy. One of the strongest supporters of the ABM system in the other body also represents the State in which the Boeing Co. is headquartered. Coincidentally, shortly after the ABM vote, the President announced his decision to wholeheartedly support the SST program and so instructed the Department of Transportation. I find the timing quite interesting. In any event, since the FAA is the agency responsible for the direction and funding of the entire SST development program, the possibility of conflict of interests can hardly be overlooked.

Furthermore, according to the staff report, even if the SST is initially operated at supersonic speeds only on overwater flights, mounting economic pressures to expand the market to the plane will more than likely result in overland routes across the United States. Former Transportation Secretary Alan Boyd has stated:

I think it will be entirely possible to operate a route over the Plains area and possibly across the Canadian border without discomfort or inconvenience to people on the ground.

The operation of such a route would reduce flying time between Chicago and San Francisco by only about 30 minutes. If supersonic flight on overland routes is not restricted and Government funding is provided, 150 SST's may be in domestic operation by 1990.

Total program costs through the prototype development phase—mid-1973—are estimated at \$1.52 billion. The Government share of this amount is to be \$1.29 billion. Some \$291 million has already been obligated for design competition and \$332 million for prototype development. Current funding schedules call for the expenditure of the remaining \$662 million at the rate of \$96 million in fiscal year 1970, \$315 million in fiscal year 1971, \$189 million in fiscal year

1972, and \$63 million in fiscal years 1973 and 1974. Ninety-nine million dollars of the \$195 million required for fiscal year 1970 is available from prior year appropriations, leaving \$96 million in new obligational authority in the fiscal year 1970 FAA budget. Total private investment through the prototype development phase is estimated at \$229 million with Boeing contributing \$114 million, General Electric contributing \$55 million, and the airlines contributing the remaining \$60 million. Cost overruns are to be shared on a 75-25-percent Government-industry basis. We, therefore, are faced with a tremendous capital investment over an extended number of years. While proponents of the SST argue that it will not fly overland, it is my opinion that pressure from the industry for overland flight can be expected to mount to the point where it becomes irresistible. The FAA has refused to state categorically that the SST will not be permitted to fly over populated areas. Judging from the FAA's activities in the past regarding noise abatement and their foot dragging in that area as well as the fact that the FAA has often acted as the champion of industry interests and apparently has forgotten that it is also supposed to serve and protect the general public, this is not surprising. Perhaps the clause in their enabling legislation stressing promotion of the aviation industry should be stricken and a rewritten statement of purposes strongly emphasizing protection of the public should replace it. As it now stands, there is a potential conflict of interest in having the developing agency responsible for certification also responsible for airport noise standards. The FAA's commitment to the program may color its judgment.

Certain other arguments have been raised for and against the SST program. Prestige, balance of payments, employment, financing, costs, market, and safety issues have all arisen. The SST review panel made up of distinguished and knowledgeable individuals studied all these points. Under Secretary of State U. Alexis Johnson, a member of the panel, addressing himself to the argument that U.S. prestige is on the line stated that "it would not be proper to base the decision to go ahead with the project on any generalized concept of enhancement of U.S. prestige." Dr. Lee DuBridge, Science Adviser to President Nixon and also a member of the review panel in speaking to the problem of Government versus private financing stated:

The Government should not be subsidizing a device which has neither commercial attractiveness nor public acceptance.

In 1951 the industry appealed unsuccessfully for Government help in jet aircraft development. The program went ahead without the requested Government assistance and the United States attained preeminence in the field. The employment argument; that is, 50,000 jobs will be directly created with a multiplier effect of three for indirect job creation, ignores the fact that virtually all of these anticipated jobs will be highly skilled ones in the aviation technology industry. While I recognize the economic benefit to

my constituents in this field, I must point out that the hard-core unemployed will receive practically no benefit from the jobs created. At a time of crises in our cities and great division among our people, programs utilizing Government funds that will not help to alleviate the problems of poverty and frustration found in the ghettos should be carefully scrutinized when one of the rationales for its existence is economic benefit and reduction of the unemployment rate in our land.

I find it also extremely significant that the review panel representing the best evaluative talent available to the Government with 11 relevant agencies contributing had seven of its 11 members recommend no further appropriations. Mr. Speaker, finally, schools in my congressional district are being forced to close due to jet noise. Our Nation's most precious resource is its youth. The schoolchildren in my area as well as those in school systems located near other major jetports are not receiving the best education that would otherwise be available to them. And this, too, we cannot allow to continue. Mr. Speaker, for all the aforementioned reasons I supported the amendment to delete funds for the SST from the appropriation and I regret that it did not prevail.

#### BIG TRUCK BILL

### HON. FRED SCHWENGL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. SCHWENGL. Mr. Speaker, my editorial for today is from the Enid News in the State of Oklahoma. The editorial follows:

#### SAFETY—AND THE BIG-TRUCK BILL

A bill to allow bigger trucks and buses on Interstate highways has received qualified endorsement of the Nixon administration, even though Federal Highway Administrator F. C. Turner says the Transportation Department lacks "sufficiently reliable evidence" to determine whether wider and heavier vehicles would pose additional safety hazards.

Turner's testimony before a House Public Works subcommittee last week brought an expression of "grave disappointment" from the American Automobile Association.

The bill would increase the maximum allowable width of trucks from 8 to 8½ feet and the maximum allowable loaded weight from 73,280 pounds to 108,500 pounds. The administration has endorsed the bill, provided that its effective date is postponed until July 1, 1972.

"It is difficult to understand why the administration has minimized the importance of the danger element of bigger rigs," George F. Kachlein Jr., AAA executive vice president said, "when their own testimony showed that accidents in which larger trucks are involved more often result in fatalities and injuries.

"To subject motorists to the added hazards of bigger trucks, about which admittedly little is known, is to transfer safety experience from the proving ground to the highway, where the experience will be drawn from lives lost and shattered bodies."

Obviously the wider and heavier trucks would improve the position of the trucking industry in competition with other forms of transportation. But Congress and the public must weigh the benefits to one indus-

try against the possible hazards to the motoring public and the costs to the taxpayer.

The Bureau of Public Roads has predicted that the wear and tear of an estimated 300,000 trucks of the size being considered would add \$5.8 billion in repair and construction costs to the Interstate system during the first 10 years.

And as Sen. Howard H. Baker Jr., R-Tenn., pointed out when the measure was before the Senate last year, "Vehicular traffic on the Interstate highway must almost invariably make use of other non-Interstate roads at some time during the cycle of loading and delivery."

In other words, bigger trucks would add to the wear and tear on city streets and county roads, as well as on the Interstate routes.

But safety must be the paramount consideration in judging the big-truck bill. And the AAA reports that heavy commercial vehicles comprised only 7 per cent of the nation's registered vehicles but accounted for 11 per cent of total vehicle miles traveled and were involved in 19 per cent of highway fatalities.

The trucking industry has stressed the fact that the pending bill is only permissive, and that states would have to authorize the heavier and wider trucks. But opponents counter that the truckers see state legislatures as easier targets for lobbying than is Congress. Thus, they say, the decisive battle will be fought in Washington.

Asked about the proposal, Oklahoma Highway Director Truman Branscum told The Tribune his department has taken no position and made no studies, but would do so if the pending bill passes Congress and if there is an attempt in the Oklahoma Legislature to raise weight and width limits.

But once the limits are raised in any state, the pressure will be terrific for similar action by all other legislatures. Unless opponents' arguments concerning safety and maintenance costs can be refuted, the big-truck bill should be killed in Congress.

#### SPIRO AGNEW HAD THE COURAGE TO SPEAK OUT

### HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. THOMPSON of Georgia. Mr. Speaker, John Crown of the Atlanta Journal spoke out on November 20 as few people on the staff of the Atlanta newspaper would dare. I would like to direct the attention of the entire Congress to Mr. Crown's article and I particularly want to call attention to remarks attributed to Dwight Sargent, curator for the Nieman Foundation for Journalism at Harvard University.

Mr. Sargent warns that "freedom of the press, exercised without restraint, leads to sensationalism, distortion, and the telling of lies."

The entire column is as follows:

[From the Atlanta (Ga.) Journal, Nov. 20, 1969]

THAT INAUGURAL ADDRESS: SPIRO AGNEW HAD THE COURAGE TO SPEAK OUT

(By John Crown)

It has become a popular game with commentators and columnists and people who are paid to draw pictures on editorial pages to refer to President Nixon's inaugural address and then shed their crocodile tears, crying that he really isn't bringing us together.

Every time they want to take issue with what he or his administration is or isn't doing, they pull out the inaugural address and say in effect, "See what you said. Well, you're not doing it."

What these commentators and columnists and people who are paid to draw pictures on editorial pages are doing to keep us apart is artfully sidestepped.

Another ploy is to throw around that current "in" word, polarization. It has enough syllables to make it appear a real forceful and dirty accusation.

Sen. Charles "Bugout Charlie" Goodell and that dedicated talker, Hubert Humphrey, seized on Vice President Agnew's criticism of biased news reporting to cry out that Mr. Nixon is polarizing society instead of bringing us together.

The commentators and columnists and people who are paid to draw pictures on the editorial pages grab every opportunity to criticize and pillory the President and his administration. Should the administration answer these or other critics, the same old moan goes up from the same old moaners that the President is simply not carrying out his pledge to bring us together.

Whether Vice President Agnew brought us together last week is debatable. It is highly doubtful that he alienated anyone who wasn't already on the other side, but he probably brought some over who had been lukewarm or cold. What he said has needed saying for a long time. He expressed the view of a great many people who have been subjected to what they have felt was biased news reporting. He is to be congratulated for his courage and forthrightness in doing so.

People who work for newspapers and in radio and on television on the whole strive for objective reporting. Although every effort is made to keep it that way, those people are human and are subject to human frailties. Bias, or what may be interpreted as bias, is going to seep through on occasion.

On newspapers it is a matter of keeping a story and its headline objective in written form. In addition to writing the news, radio has the added frailty of the human voice with its various inflections. And on television all of the foregoing applies plus the real frailty of watching a human face with all those different expressions.

What Vice President Agnew had to say about news reporting has considerable merit. It should have been taken as criticism that needed examining.

But instead of admitting that there might be shortcomings in the way the news is presented, the network chiefs invoked the usual spectre of government control of news—the good old panic and rally round approach.

Reacting like a talking doll whose button has been punched, Sigma Delta Chi, the professional journalistic society, responded with a lofty resolution condemning control of the news by the vice president or any other government official.

All of this, of course, despite Mr. Agnew's stand that he was in no way advocating government censorship.

The voice of reason came from Dwight Sargent, curator for the Nieman Foundation for Journalism at Harvard University.

"Press freedom exercised absolutely corrupts absolutely and leads to disorderly conduct and the collapse of government," Mr. Sargent said in a speech at Westbrook Junior College, Portland, Maine.

"Freedom of the press exercised without restraint leads to sensationalism, distortion and the telling of lies."

Vice President Agnew does not advocate government control and censorship. But he does say that the news media should be constantly vigilant that its own house is in order.

And judging by the response, a very great many people who depend upon the news media agree with him.

#### ANTHONY JENZANO: SPECIAL PRIDE IN EXPLORATION OF THE MOON

### HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. GALIFIANAKIS. Mr. Speaker, it is a pleasure to call to the attention of the Congress a special article from yesterday's Raleigh, N.C., News and Observer, citing Anthony Jenzano as "The Tar Heel of the Week."

Mr. Jenzano is a transplanted North Carolinian who came to Chapel Hill 20 years ago for a month's visit—and is still there. As director of the Morehead Planetarium, this amazing man has a stake in this Nation's space successes that will be of interest, I think, to all my colleagues. I take great pride in inserting the entire content of the article into the RECORD:

ANTHONY JENZANO: SPECIAL PRIDE IN EXPLORATION OF THE MOON

(By Jane Hall)

Among earthlings watching the moon shots, none takes more personal pride in the astronauts' achievements than genial Anthony Jenzano of Chapel Hill, director of the Morehead Planetarium.

Secretly, Jenzano feels he has a bit of a personal stake in each space craft as it roars aloft in flame and smoke headed for the outer reaches of space. And well he may.

Since 1960, each astronaut's group has had training in celestial navigation at the Chapel Hill planetarium. They include not only the prime crews, he noted, but also the backup crews, support crews and simulator instructors and technicians from Cape Kennedy and the Manned Space Center in Houston.

Now that the Apollo 12 mission is well underway, Jenzano and the astronauts' instructors—Richard Knapp, assistant director, and John Zunes, educational supervisor—are preparing for the crews of Apollo 13 and 14.

"The astronauts may attend sessions in units or individually," Jenzano said. "The Apollo 11 mission has been the only group, however, to train as a unit."

#### TRAINING TIME VARIES

"The number of training sessions they attend depends entirely on the mission and its assignments and these vary from mission to mission. Neil Armstrong, commander of Apollo 11, has more planetarium hours—116—than any other astronaut.

"Commander Charles Conrad of Apollo 12 has 70 hours and that mission's other crew members, Richard F. Gordon and Alan Bean, have 53½ hours and 16 hours respectively."

That astronauts have been training regularly at Morehead since 1960 is due in part to Jenzano. Back in 1960 he realized they would need to know celestial navigation and he thereupon proposed a program of study to the National Aeronautics and Space Administration which he offered to do free of charge.

NASA promptly accepted the offer, he reported, partly because Morehead Planetarium was the only major planetarium, with the needed academic talents, relatively near NASA's research center at Langley Field, Va.

It refused, however, Jenzano's offer to conduct the program free of charge and has insisted upon paying the planetarium a token fee for service rendered.

The aim of the training sessions, according to Jenzano, is to provide the astronauts an uncomplicated means of ascertaining the location and orientation of the spacecraft without benefit of instruments or view of earth by using the stars as a guide or point of reference.

## HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I have just issued my end of the year newsletter and am submitting it for the RECORD as a part of the official proceedings of the House. The newsletter contains the usual heading of my previous newsletters, as follows: "Newsletter From Your Open Door in Washington, Congressman ALBERT W. JOHNSON, 23d District of Pennsylvania, No. 16, November 1969."

For the first time I have inserted 13 pictures in the newsletter, in addition to the usual picture of myself before the open door. While I realize the RECORD does not reproduce pictures, they may be seen by interested persons by examining the newsletter as filed in the records of the House. The newsletter is as follows:

NEWSLETTER FROM YOUR OPEN DOOR IN  
WASHINGTON

(By Congressman ALBERT W. JOHNSON)

NOVEMBER 1969.

DEAR FOLKS IN THE 23RD CONGRESSIONAL DISTRICT: I am sending you this Newsletter in which I comment on the current session of Congress, and also report some of my District contacts this year in connection with important projects and events, as well as some information on other current matters of interest.

## THE PARTY LINEUP IN CONGRESS

For the first time since 1955, an Administration in the hands of one party (Republican) is submitting its legislative program to a Congress controlled by the opposition party (Democrat). The Democrats at this writing control the House 247 to 188 or a majority of 59 seats. In the Senate, there are 57 Democrats and 43 Republicans, or a majority of 14. These substantial Democrat majorities present a formidable task for President Nixon.

## CONGRESS AND THE PRESIDENT

The pace of Congress has been very slow. As of November 1, 1969, only 2 appropriation bills out of 13 regular annual bills have been passed and sent to the President. The Nation is being run through piecemeal or stopgap appropriations passed on a month to month basis. Despite pleas from President Nixon and messages outlining his program, Congress has not acted on reform of the draft; nor on the new proposal to overhaul the welfare system or crime control, postal reform, control of obscene or pornographic mail, mass transportation improvement, revenue sharing with the states, tax reform, adjustment in Social Security benefits, spending reduction, reorganization of the Poverty Program, or taking politics out of postmaster appointments.

The President has spent a great deal of time on de-escalation of the war in Vietnam looking toward an honorable settlement. Other costly programs of prior Administrations are being studied and examined to make them work better, or to eliminate them entirely. However, the President's calm, sincere approach to the problems that face our country and his emphasis on truth and candor have helped to restore confidence in our national leadership.

## REPORT ON MY RECENT POSTAL INSPECTION TRIP

In August of this year, I accepted an assignment to make an inspection of postal facilities abroad for our NATO armed forces and visited the U.S. Postal Air Terminal in Frankfurt, Germany, and London. At

Jenzano said the program also aims at generating a process whereby any object seen in space or circumstance experienced (physical discomfort, et al) could be identified with a given star. Recognition of a particular star, plus earth time, would enable the ground crew to translate into real time, thus determining not only the point but the precise time a particular event occurred.

"NASA scientists who are doing research at other universities around the country have also visited us," Jenzano said. "One of them, Dr. Karl G. Henize of Northwestern University, became so interested in the astronauts' program he subsequently became an astronaut."

Whoever visits Morehead Planetarium these days—astronauts, scientists, researchers, school children or just people—will find the most modern and best-equipped major planetarium in the entire world.

And that instrument produces the best and most realistic representation of nature's sky that man can achieve.

## INSTRUMENT IS NEW

The reason, the director commented, is that the entire instrument is new and it incorporates every improvement that science has concocted. It is the first production of Model Six of the Karl Zeiss Planetarium.

The new planetarium instrument, Jenzano explained, was a special gift from the Morehead Foundation. Cost of the instrument and its supporting and adjunct devices totaled about \$250,000 or more than a quarter-of-a-million dollars.

The new instrument has variable speed motions through wide ranges, improved optics, improved mechanisms throughout, and it has all-electronic modular solid state control components.

"It took us three months to install, from last January through March," Jenzano said.

Morehead's new planetarium instruments are designed to show the sky from any point on earth for periods of time ranging up to 26,000 years either forward or backward. They will also simulate rotation, revolution and precessions of the earth as well as change of observer latitude.

## WORKED IN PHILADELPHIA

Anthony Francis Jenzano came to Chapel Hill back in 1949, having been borrowed from Fels Planetarium at Franklin Institute in Philadelphia.

He was brought to Chapel Hill to install the Morehead Zeiss Planetarium and he came with the reputation of being the only American citizen ever to completely dismantle and reassemble a Zeiss planetarium instrument.

Like the man who came to dinner, Jenzano came for a month's visit and has stayed for 20 years. "I hadn't been here but a few weeks when they made me an offer I couldn't refuse," he said, eyes twinkling. "It doesn't seem to me I've been here 20 years. It seems more like five."

A native of Philadelphia, Jenzano was born May 20, 1919, into a family consisting of six boys and four girls. He is the son of the late Joseph and Theresa Jenzano and he is, of course, called Tony.

In November, 1941, he married a Philadelphia girl, Myrtle Packer, whose nickname is Jay, and they make their home at 37 Oakwood Drive in Chapel Hill. The Jenzanos have two children, Anthony F. Jenzano Jr. and Carol Jenzano, and one grandson, Anthony Jenzano III.

From West Philadelphia High School on, Jenzano's training has been technical, including a stint in the U.S. Navy from 1943 to 1945. Most of it was in gunfire control, which, he pointed out, is concerned with mechanics, electronics and optics, all three basic ingredients of a planetarium projector.

## AT FELS PLANETARIUM

After a brief period as a post-war civilian employe in the Philadelphia Navy Yard,

Jenzano advertised his qualifications and thereafter was employed by Fels Planetarium.

"Before the war," Jenzano related, "planetarium instruments were installed by two technicians sent over from Germany. One would return home and the other would remain to service the instrument. Eventually, the one remaining here would become a U.S. citizen.

"At the Fels, however, the German national had not become a citizen and, at the outbreak of the war he was recalled. During the war years, the Fels planetarium instrument received no attention and in 1948 it had a major breakdown.

"In the course of repairing the instrument, I completely dismantled and reassembled it.

"In 1949, the Morehead Zeiss planetarium had arrived from Sweden in 13 huge crates, but no technicians were sent to assemble it. The man who accompanied the shipment simply came to see that it was delivered to the proper people and to have them sign papers to that effect. That was when I was asked to come down."

The Morehead Planetarium—given to the people of North Carolina by the late John Motley Morehead—opened on May 10, 1949.

Noting that the planetarium building is used for a variety of purposes, the director remarked upon the UNC Faculty Lounge on the second floor, and the second-floor kitchen, dining room and series of rooms where special events are held and dignitaries visiting the university are entertained.

On the first floor, he said, there is an art gallery, with changing exhibitions; an accurately scaled model of the UNC campus; space for scientific exhibits; and, of course, space for the planetarium.

## PLANETARIUM NOT ENDOWED

No tax monies have ever been used for the planetarium, Jenzano emphasized. The institution is not endowed and it is the only major planetarium installation in the country that sustains operations on ticket receipts and miscellaneous income alone.

In the 20 years of its operation, Jenzano said more than 2,445,000 people have seen the planetarium show, visited the related exhibitions and attended exhibits and events in other areas of the building.

Annual attendance is now about 125,000 a year and of these some 60,000 are school children. The director said planetarium programs geared to the various grades are offered, plus additional programs that are based on some aspect of current public interest. Public programs are changed, he said, every four or five weeks.

Currently, the planetarium is showing its Christmas program. School visitors may see this program, plus a program related to their particular grade.

"Space research has stimulated attendance," Tony Jenzano said. "During last summer's moon shot we had a 50 per cent increase in attendance during July and August and we've noted an increase lately because of the second moon trip.

"We make every effort to tie in our programs with something of current scientific or astronomical interest. For example, next March 7th there will be a total eclipse of the sun which will be visible from a narrow strip of the Eastern seaboard of the United States.

"Already the greatest international interest has been generated and we're getting inquiries about it.

"In this state, Greenville will be in about the center of totality. Undoubtedly, scientists from the far corners of the world will come to Greenville and other Eastern North Carolina towns to view the eclipse.

"Here at Morehead Planetarium, we'll be giving our Easter program (from February through April) but during the two weeks prior to March 7 we will present a program that will inform the public about eclipses."

the London Terminal, I was surprised to learn that two of the top operational officers were from Warren, Pennsylvania, and I was pleased to have my picture taken with them.

My inspection of the bases indicated a need for mechanized sorting machines and assembly line loading and unloading facilities. While in London, I was briefed on the Postal Corporation plan for England which went into effect on October 1, 1969.

I also visited Paris in order to visit the new town in town under construction, and rapidly being completed. This is a part of my work on the Ad Hoc Committee on Urban Growth Policy, which Committee is studying the problem of urban growth as we go to a population of 300 million people by the year 2000. This Paris development could well be a model for this country to emulate.

#### EMBASSY BRIEFING IN PARIS

While in Paris, I was privileged to attend a briefing session for visiting Congressmen at the American Embassy in Paris. The briefing covered a wide variety of subjects. We were told that there has been a substantial change for the better in our relations with France since the election of Pompidou as President. We Americans are now welcome in France. Our Naval vessels are cordially received in their ports, as well as our aircraft in their airports. Our forces in Europe comprising the NATO Army were discussed. It is the opinion of our government that we must maintain adequate forces in Europe to keep the peace and preserve freedom. It was pointed out that our very presence in Europe with substantial forces has given the free countries the desire and the will to join forces with us in holding back the forces of Communist Aggression.

#### THE DISTRICT IS MAKING HIGHER EDUCATION HISTORY

Last year, I featured the fact that the 23rd District is the sportsmen's paradise. This year I am calling attention to its higher education advantages. The leading institution and one of the finest in the Nation is, of course, Pennsylvania State University. Its current on-campus enrollment is 25,900 students. Recently I attended a ground breaking ceremony for the construction of a new research library to cost \$8 million which will be the finest in the world. At the ceremony, I donned a hard hat and participated in the ground breaking, a picture of which is shown here on the left. While at the University that day, I posed for the picture at the right beside the famous Nittany Lion, the symbol of the spirit of Penn State.

#### OTHER COLLEGE ADVANTAGES IN THE DISTRICT

Pennsylvania State University also has one of the best off-campus centers in the State in DuBois, with 472 students enrolled for the fall term. This center has reached its capacity and plans to construct new buildings to permit expansion.

In Bradford, the University of Pittsburgh has a campus and serves 638 students. This is a tremendous boon to this area. This campus is also embarking on a building program on a new 110 acre tract provided by the Kendall Refining Company, a subsidiary of Witko Chemical Company. This construction will provide two new academic buildings, a library, gym, and student residence halls.

Lock Haven State College has grown remarkably. The enrollment is now 2,300. The school has practically been rebuilt in the past ten years. It offers degrees in an amazing number of subjects, and has one of the largest schools in Physical Education in Pennsylvania.

Clarion State College has a campus in Oil City with an enrollment of 360. They are now planning to offer an Associate Degree Program in nursing, starting in 1970. This will be a much needed program and will serve four counties.

Warren is not to be outdone by these other towns. The citizens there have a campus sponsored by Edinboro State College with an enrollment of 372. They are all excited about moving to a new location on 196 acres, known as the Farm Colony on Route 62. They are also expanding their curriculum to include an Associate Degree in nursing.

I am proud of these growing and vital institutions!

#### STATUS OF THE INSTRUMENT LANDING SYSTEM WITH HIGH INTENSITY LIGHTS AT BRADFORD AIRPORT

The picture presented here is of the group from Cameron, Elk, McKean and Warren Counties who came to Washington to plead for the installation of an Instrument Landing System at the Bradford Airport. They are shown meeting with David Thomas, the Acting Administrator of the F.A.A. I set up this meeting so they could present their case following two tragic airplane accidents. Senator Hugh Scott co-operated in this effort. The group left Washington with the assurance that the system would be installed at a cost of roughly \$200,000.00. Now it is ready for use, but for a few technical details. Soon to be added is the much desired high intensity lighting system. Secretary Volpe gave his personal promise to me that this would be done. I consider this installation one of the most important accomplishments of 1969. Pictured here are left to right: F. Wayne Fesenmyer, Chairman, Airport Authority, Mr. Thomas, myself, LeRoy Schneck, Vice Chairman of the Authority; rear: Erwin Murray, Herbert Straub, Robert Swartz (Pennsylvania Aeronautics Commission), L. Douglas Andrews, Mayor Benton, Dr. Hugh Ryan, Blain Mead, Russell Weston, Bennett Friedman, and Jack Lutz.

#### THE KINZUA DAM AREA HAS OUTGROWN ITS FACILITIES

One of the important developments in the District this year was the tremendous increase in the number of visitors to the Kinzua Dam and Allegheny Reservoir at Warren. This new lake, with its 91 miles of shoreline is a thing of beauty. Representatives of the Kinzua Tourist Bureau of Warren realizing that the future will mean an even greater influx of tourists, which will overtax present facilities, came to Washington to tell the story and request adequate Federal funding for vitally necessary new construction. By means of elaborate charts, they told the story to myself, and to Ed Cliff, the Chief of the Forest Service, Mrs. Julia Hansen, the Chairman of the Subcommittee on Recreation Appropriations, and Senator Alan Bible, the Chief of a like committee in the U.S. Senate. While in the Capitol, they posed for this picture. Pictured from left to right: Barry Epstein, LeRoy Schneck, myself, Bob Dilks, Henry E. Lemeur and William R. Rusin. Also present was Mike Mead of the Warren Times-Mirror & Observer. The group made an impressive showing and I was proud of them. Senator Bible has promised me that he will come up to the Dam and personally view the project.

#### FOSTER JOSEPH SAYERS DAM DEDICATED

Elsewhere in the District, recreation and conservation received another boost. The Foster Joseph Sayers Dam at Bald Eagle Creek, in Centre County, was dedicated. This dam will create a lake covering 1,730 acres, 7.8 miles long and with 23.4 miles of shoreline. I spoke briefly at the dedication, and presented a flag that had been flown over the Capitol. U.S. Senator Scott was the main speaker. One of my first acts when I became the new Congressman for Centre County was to sponsor and cause to be enacted a bill naming the dam after Foster Joseph Sayers, a World War II hero. Pictured here are the main participants in the program. From left to right: Major General Charles M. Duke, myself, Senator Scott, Foster Joseph Sayers, Jr., Dr. Goddard (Secretary of Forests &

Waters), and the mother of Foster Jr. This dam will open up a new era in recreation for Centre and Clinton counties.

#### FLOOD CONTROL FOR DUBOIS NOW A REALITY

Practically every community in the District has a vital improvement project under way. DuBois is no exception. Flood Control on Sandy Lick Creek is absolutely necessary to permit future development and protection for present industries. Again this year, a group from DuBois came to Washington and asked the Appropriations Committee for funds so that the Army Corps of Engineers can start this project, already designed. While in D.C., they posed with me showing their proposed presentation to the Committee. From left to right: Richard A. Morse, Paul G. Reitz, myself, and Mayor Jesse B. Warren. I am pleased to announce that the Committee and the Congress voted the necessary funds for 1970.

#### VENANGO COUNTY BREAKS GROUND FOR A NEW PARK

On Friday, August 15, 1969, an event occurred at Dempseytown which in the future will provide a new opportunity for recreation and pleasure for the people of the Venango County area. This was the ground breaking ceremony for the new Two-Mile Run Park and recreation center. The picture was taken as I made one of the dedicatory speeches. Also pictured is construction in progress at the lake site, which lake will be 1-1/2 miles long and 2,050 feet wide at one point, covering 144 acres. The initial project will cost \$1,150,000.00. I congratulate Venango County on this great project. I am intrigued by it because I can visualize a site for a new town in the future, constructed near the park.

#### EMLENTON CITIZENS PLAN AN OVERLOOK

Another future and worthwhile project of interest to Venango County is the proposed overlook to be constructed on the Clarion County side of the river at the Emlenton High Level Bridge. I visited the site on June 21, 1969, and posed for this picture showing the bridge and overlook site. In the picture are from left to right: Wendell Francisco, myself, Representative Kahle, Bill Cunchula and Mrs. Archie Newton. Mr. Cunchula has offered to donate the site. I consider this project a must and will support it vigorously. The bridge was built for Interstate 80. Of interest to readers is the announcement that this 313 mile interstate artery will be opened its entire length on Friday, September 18, 1970. The dedication will be held at Beaver Stadium at Penn State. President Richard M. Nixon has been invited to make the dedicatory address.

#### RENOVO'S FLAMING FOLIAGE FESTIVAL COMES OF AGE

An event each year in the 23th District, becoming a tradition, is the annual Flaming Foliage Festival at Renovo. This year on October 12th Susan Laubscher was crowned the 1969 Queen. Lt. Raymond Broderick delivered the principal address. The Queen crowning and program is held in a beautiful natural bowl setting along the Susquehanna River at the Hyner Airport and attracts a large crowd. This year the festival came of age by staging its 21st event. Congratulations to Renovo on this great civic endeavor. I posed with Ray Broderick for a picture with the Queen and runners up. They are left to right: Miss Kim Lowry, of Loyalsock, Miss Susan Laubscher of Lock Haven, Queen, and Miss Kathleen Cooney of Johnsonburg. Barbara Kriegish of Johnsonburg, the 1968 Queen, and Trudy Lee Pedersen, Miss Pennsylvania, crowned the new Queen.

#### GUEST CHAPLAIN HAS INTERESTING DAY

Congressmen frequently are accorded the privilege of inviting a member of the clergy from their District to be the guest chaplain for the day to open the House of Repre-

sentatives with prayer. My turn came on September 16, 1969. It proved to be a day of much recognition and honor to not only the District, but to the Reverend James H. Weber, Pastor of Saint Joseph Church, Oil City, Pennsylvania, who I had invited to officiate that day. This was because it happened to be the day a Joint Session of Congress honored the Apollo 11 Astronauts. At the completion of the session, Rev. Weber joined me in attending a reception for the Astronauts. The photograph was taken at this reception and pictured from left to right are: Neil A. Armstrong, Michael Collins, Rev. Weber, Edwin Aldrin, and myself. I have invited Reverend J. Kenneth Soderquist, Pastor of Gethsemane Lutheran Church, Port Allegany, Pennsylvania, to be guest chaplain for early in 1970.

#### YOUNG PENNSYLVANIA BOWLERS RECEIVE AWARDS

I am always pleased to welcome young people to the Nation's Capitol. On August 4, 1969, the National Bowling Council conducted their 9th annual Youth Bowling Championship. The championship youth bowlers from each state were invited to come to Washington and receive a National award. I represented the members of Congress from Pennsylvania at this presentation ceremony. One of the young men was from my District—Lemont in Centre County. I posed for a picture with the three Pennsylvania winners with their trophies. From left to right they are: Robert Mertz, Greensburg, Pennsylvania—"Scratch" Division champion; Patricia Getz, Pittsburgh, Pennsylvania, Girls' Handicap Division and Jeffrey H. Kane of Lemont, the Boys' Handicap Division. Meeting all these young people from all over the United States gave me great pleasure.

#### PUBLICATIONS AVAILABLE

As usual, I have a few publications available for distribution: Large map of Vietnam; official 1969 Pennsylvania road map; 1970 Congressional Calendar; Our American Government; Newsletter on scholarships available.

#### ALSO AVAILABLE: APOLLO 11 FILM

Would you like to see the official NASA film of the Apollo 11 moon-landing, entitled: "Eagle Has Landed"? It is a 16 mm film in color. Schools, civic and fraternal organizations desiring to use this film should write or call:

Stephen L. Wolfe, Field Representative, 553 Third Avenue, Johnsonburg, Pennsylvania 15845, Telephone: 814-965-2807.

And now, in closing, I trust you have found this Newsletter both interesting and informative.

Sincerely yours,

ALBERT W. JOHNSON.

#### ED FOREMAN—A LATTER DAY COLUMBUS

#### HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. LANDGREBE. Mr. Speaker, only two men in this century have served in this House for constituencies in different States. One of them is our distinguished young colleague, ED FOREMAN, formerly of Texas, now of New Mexico.

Such highly successful westward travel is especially remarkable in one so young and is reminiscent of the man who traveled westward to find a New World, Christopher Columbus. Lest you think this allusion to Columbus a bit fanciful, I would cite a recent item in the Novem-

ber 18 issue of The Lion's Roar, a weekly publication of the Downtown Lions Club in Carlsbad, N. Mex.:

A true story: Last month over at Billy Brown Kindergarten teacher Sissy Daugherty asked her class who discovered America. The hands of eager children went up all over the room, anxious to give the correct answer. So the teacher chose to call on Melanie Rose, Joe's daughter. "Ed Foreman," came the ready reply.

#### CURRENT STATUS OF THE RULE OF LAW IN RHODESIA AND SOUTH AFRICA

#### HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. REID of New York. Mr. Speaker, the Review of the International Commission of Jurists is a quarterly publication of high standing in the legal community and with all those who are concerned about the maintenance of the Rule of Law throughout the world.

The September 1969 issue of the Review contains a summary of the current status of the Rule of Law in Rhodesia and South Africa. The article states:

There is no doubt, that in Rhodesia and in South Africa the situation is worsening.

I am including the article in the RECORD as I believe this should be a matter of continuing concern to Members of this House.

I am also inserting in the RECORD a speech made earlier this year by Duncan Innes, who recently resigned as president of the National Union of South African Students, the group that had invited me to South Africa this summer to deliver their Annual Day of Affirmation of Academic and Human Freedom address. Mr. Innes' speech is a moving statement of commitment and belief—and of undiminished courage in the face of ever-increasing harassment and personal torment by the state.

The material referred to follows:

#### THE REVIEW OF THE INTERNATIONAL COMMISSION OF JURISTS—SEPTEMBER 1969 SOUTHERN AFRICA

Regimes which are based on a commitment to racial discrimination continue to pose the most serious problems to the protection of the Rule of Law and human rights in the world. There is no doubt that in Rhodesia and in South Africa the situation is worsening. Despite the clearly expressed desire for a non-violent solution contained in the recent declaration of fourteen East and Central African States,<sup>1</sup> the white-dominated regimes of Rhodesia and South Africa continue their policies of repression, and are becoming increasingly intransigent. The attention of lawyers all over the world must be drawn once again to the erosion of the Rule of Law by the Legislature and the Executive, and to the acceptance of this position by some members of the Judiciary in this area of Africa.<sup>2</sup>

#### RHODESIA

All possibility of a settlement between the Rhodesian regime and the British Government was abandoned on June 20th this year with the vote by the almost all-white electorate<sup>3</sup> in favour of an apartheid-like con-

stitution. The idea of eventual African rule has been finally rejected, and inequality, discrimination and political repression will continue to be the foundation of government policy. Although the white population forms only 1/22 of the total population,<sup>4</sup> only 16 out of the 66 seats initially in the Lower House may be held by Africans. Eight will be elected by Africans on the African roll and eight will be elected by four tribal electoral colleges.<sup>5</sup> Representation of Africans will be based on their income tax contribution, but the number of 16 representatives will remain static until African income tax contributions exceed 24% of the total income tax contributions of Europeans and Africans; representation will then increase proportionately. However, Africans may never hold more than half the seats in Parliament even when the income tax shares of whites and Africans are on a parity, a situation which will not occur for several generations.<sup>6</sup>

A Senate will replace the former Constitutional Council; it will have strictly limited powers of delaying legislation even in the case of Bills which, on the advice of its legal committee, the Senate considers inconsistent with the Declaration of Rights to be embodied in the Constitution. The new Declaration of Rights will in any case be nonjusticiable; the courts will thus be unable to declare laws unconstitutional where they infringe rights recognised in the Declaration. The new Declaration will permit preventive detention and other derogations from the right to personal liberty. Protection from search and entry will be limited. The right of an accused not to be compelled to give evidence will be omitted. The press and other mass media will continue to be regulated.

Major changes in land tenure legislation are proposed. The present category of "unreserved" land will be abolished and all land in Rhodesia will be divided into areas of reserved European and African land, totalling roughly 44.9 million acres and 45.2 million acres respectively.<sup>7</sup> Thus 250,000 Europeans will have 45 million acres reserved for their ownership, while 4½ million Africans will have an equivalent amount. Moreover, the independent Board of Trustees for Tribal Trust Land will be abolished and control over such land will be exercised by the Head of State.

In the words of Professor Terence Miller, the principal of Rhodesia's multi-racial University College, who resigned as a result of the referendum victory in June, the proposals seem to derive "from a basic intention to ensure indefinitely prosperity and material comfort for the European minority at the expense of the exploitation and repression of the bulk of the majority."

The constitutional proposals are not the only source of concern. In February the Constitution Amendment Act, No. 1 of 1969, amended section 81 of the Constitution of Rhodesia 1965 by authorising the declaration of a state of emergency for a period of twelve consecutive months instead of the previous maximum period of three months.

In the light of these developments, the independence of the Bar and Judiciary in Rhodesia will be of considerable importance in maintaining some measure of adherence to the Rule of Law. The decisions of the Rhodesian High Court in February and in September 1968 when the Appellate Division held firstly that the Rhodesian Government had obtained *de facto* status and then *de jure* status has already provoked understandable dismay. Recently some disturbing features of the trial of the Reverend Ndabaningi Sithole, leader of the banned Zimbabwe African National Union, also gave rise to misgivings as to the manner in which trials with political overtones will be handled. Any reasonable grounds for suspecting that the courts in Rhodesia could be used as a cover to accommodate the executive would only add to the depressing list of complaints against the present regime and its supporters.

Footnotes at end of article.

## SOUTH AFRICA

Recent legislation, increased security measures, incidents of brutality and continued general disregard for the Rule of Law indicate that the regime in South Africa is tightening its hold.

In reply to a General Assembly resolution<sup>8</sup> demanding a report on prison conditions in the Republic, the Government asserted that it did not recognize the competence of any United Nations organization to make demands on a foreign State; it also asserted that the Republic administered its penal institutions on the basis of legislation that conformed to the Standard Minimum Rules for the Treatment of Prisoners.<sup>9</sup> However, although the Rules lay down the minimum of medical services that should be available in every institution and outline the precautions that should be taken to ensure the physical and mental health of prisoners including the daily examination of sick prisoners (Rules 22, 25, 26), during 1968 four prisoners died in Robben Island Prison through lack of timely medical attention. The Commissioner of Prisons denied such allegations about prison conditions in South Africa, and said that the authorities had 'no knowledge of people who are seriously ill and who have not been given the medically recommended treatment'. The Rules also provide that 'the transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship shall be prohibited'. Nonetheless in April this year three Africans died from suffocation while being transported in an overcrowded police van.

Not only has the government rejected out-of-hand allegations made by the UN and other bodies outside South Africa. It has prosecuted those publishing information about prison conditions in South Africa itself. The most recent case has been that of Laurence Gandar, Editor-in-Chief of the *Rand Daily Mail*. Following the publication of a series of articles in 1965 on conditions in South African prisons, Mr. Gandar and his reporter Benjamin Pogrunder were prosecuted under the Prisons Act, 1959.<sup>10</sup> The Government had previously prosecuted the newspaper's informants for perjury and had conducted a radio campaign smearing the newspaper as 'un-South African' and communist influenced. In the Gandar trial, ample evidence was produced to show that, given the situation in South Africa, 'reasonable steps' had been taken to establish the reliability of the information published, evidence which would have satisfied an impartial judge—that is a judge who is freed from the underlying notion that criticism of the administration is necessarily un-South African. Nevertheless the two accused were convicted under the Act.

In addition to the conditions in prisons and the treatment of convicted prisoners, the manner in which detainees have been held by the Security Police under the Terrorism Act<sup>11</sup> has given rise to severe criticism. This year already five detainees have died while being held under the Act and two of these cases have had serious repercussions in South Africa. At the inquest on Mr. Nichodimus Kgoathe, who according to the post-mortem report had died of bronchial pneumonia, evidence was given that the police had found it necessary to investigate allegations that Mr. Kgoathe had been assaulted while being interrogated. A district surgeon told the inquest court that he believed the injuries that the deceased had suffered to have been the result of an assault. He testified that when he examined Mr. Kgoathe shortly before his death he found marks on his body which could have been caused by a rawhide whip and wounds which could have come from an assault with the buckle of a belt. A police sergeant testified that Mr. Kgoathe had com-

plained to him of body pains before being sent to the hospital and had said that he had been assaulted by the Security Police. Nevertheless the Magistrate found himself unable to conclude that any person was responsible for the death.

In March another detainee, James Lenkoe, was found hanging by a belt in his cell after prolonged interrogation by the Security Police. The finding of a first post-mortem was that Mr. Lenkoe had died as a result of hanging and thus suicide was logically concluded. However, a second post-mortem was carried out at the request of the deceased's widow; and expert testimony at the inquest showed beyond reasonable doubt that Mr. Lenkoe had received electric shocks on the day of his death and that his death was also consistent with electrocution. The Magistrate ended the inquest by refusing Mrs. Lenkoe's counsel the opportunity to complete his review of the testimony and by limiting the calling of relevant witnesses. In conclusion, the Magistrate found that no satisfactory proof had been given of electric shock treatment and that no blame could be attached to any person.

In neither case was the verdict satisfactory. However, despite government security measures and official denials, the cases have highlighted the fact that torture and inhuman treatment are not infrequent occurrences in South Africa.

Since these cases, the government has indicated its determination to prevent such information reaching the public in future: on 13th June this year the passport of Mr. Joel Carlson, the Johannesburg attorney who acted for the widows in both the Kgoathe and the Lenkoe inquests was confiscated. Mr. Carlson is the observer for the International Commission of Jurists in South Africa and has represented many political prisoners who have alleged that they were ill-treated during detention. The confiscation of his passport is clearly a reprisal for his part in showing up the use of electric shock torture by the Security Police in the Lenkoe inquest as well as his courageous defense in many other political cases. It is also a move calculated to deter both Mr. Carlson and other South African lawyers from dealing with such cases in future. The International Commission of Jurists has repeatedly held that the independence of the legal profession is essential to the proper defense of the Rule of Law. This unwarranted act against a member of the legal profession must be deplored as a direct attack on this principle.

Moreover, as a result of the recent adverse publicity for the Security Police, a General Law Amendment Act was passed on 30th June 1969. Section 10 of this Act, which complements the Public Service Amendment Act of 1969 establishing a 'Bureau for State Security' and extends the provision of the Official Secrets Act 1956, makes it an offence to publish or communicate any matter dealt with by or relating to the Bureau or the relationship between anyone and the Bureau. As a result of this provision, all matters relating to the Bureau are excluded from the public domain, and a person may even be charged with an offence under the Official Secrets Act without ever knowing or being able to know that he had divulged a 'security matter' within the meaning of the 1969 Act. The Act also provides (Section 29) that a signed certificate from a Minister will be sufficient to prevent a person giving evidence if such evidence is considered prejudicial to the interests of the State or public security.

## Section 10

2 (a) Any person who has in his possession or under his control any sketch, plan, model, article, note, document or information which relates to munitions of war or any military, police or security matter and who publishes it or directly or indirectly communicates it to any person in any manner or for any purpose prejudicial to the safety or interests

of the Republic, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand five hundred rand or to imprisonment for a period not exceeding seven years or to both such fine and imprisonment.

(b) For the purpose of paragraph (a)

(i) 'police matter' means any matter relating to the preservation of the internal security of the Republic or the maintenance of law and order by the South African police;

(ii) 'security matter' means any matter relating to the security of the Republic and includes any matter dealt with by or relating to the Bureau for State Security referred to in Section 1 of the Public Service Act, 1957 (Act No. 54 of 1957) or relating to the relationship subsisting between any person and the said Bureau.

## Section 29

(1) Notwithstanding anything to the contrary in any law or the common law contained, no person shall be compellable and no person shall be permitted or ordered to give evidence or to furnish any information in any proceedings in any court of law or before any body or institution established by or under any law, as to any fact, matter or thing or as to any communication made to or by such person, and no book or document shall be produced in any such proceedings, if a certificate purporting to have been signed by the Prime Minister or any person authorized thereto by him or purporting to have been signed by any other Minister is produced to the court of law, body or institution concerned, as the case may be, to the effect that the said fact, matter, thing, communication, book or document affects the interests of the State or public security and that the disclosure thereof will, in the opinion of the Prime Minister or the said person so authorized or other Minister, as the case may be, be prejudicial to the interests of the State or public security.

(2) The provisions of subsection (1) shall not derogate from the provisions of any law or of the common law which do not compel or permit any person to give evidence or to furnish any information in any proceedings in any court of law or before any body or institution established by or under any law as to any fact, matter or thing or as to any communication made to or by such person, or to produce any book or document, in connection with any matter other than that affecting the interests of the State or public security.

(3) The provisions of this section and any amendment thereof shall apply also in the territory of South-West Africa, including the eastern Caprivi Zipfel.

Not only does the Act consolidate the already enormous powers of the Security Police, it invades the power of the courts to overrule an objection by the Executive to the disclosure or production of official documents<sup>12</sup> and could prevent an accused person from testifying as to the conditions under which he made a statement or confession.

The International Commission of Jurists has already had occasion to examine the South African concept of the Rule of Law.<sup>13</sup> It was defined as follows in *South Africa and the Rule of Law* published by the South African Department of Foreign Affairs in April 1968:

The Rule of Law may mean different things to different people, but there is general agreement that it requires that a person on trial be accused in open court, be given an opportunity of denying the charge and of defending himself and that he be given the choice of a counsel.

In commenting on this definition the Commission pointed out that this is but one aspect of the Rule of Law and that other essential elements are the independence of the Judiciary and the guarantee of its impartiality. By the recent General Law Amendment

Footnotes at end of article.

Act, the South African government has not only contradicted its own definition of the Rule of Law, it has also seriously undermined the independence of the Judiciary and the guarantee of its impartiality.

SOUTH WEST AFRICA

The second trial in which South West Africans were convicted under the Terrorism Act took place in Windhoek, South West Africa, in July. This trial was again in complete defiance of the UN resolution<sup>14</sup> to terminate South Africa's Mandate over South West Africa and the fact that the UN claims jurisdiction over the territory. The men who have been on trial had been held in detention in Pretoria for up to three years; and there are reports that as many as 250 additional South West Africans are still being held in secret detention and incommunicado under the Terrorism Act.

It is more than ever clear from these developments that southern Africa has entered a period of even greater repression. World legal opinion must be heard in protest against measures in this area which are calculated to prejudice the independence of the Judiciary and the legal profession, and also against legislation which, like the General Law Amendment Act in South Africa, provides an effective mechanism for consolidating a police state.

FOOTNOTES

<sup>1</sup> For the full text of the declaration, see *The Review of the ICJ*, No. 2.

<sup>2</sup> See *Erosion of the Rule of Law in South Africa*, International Commission of Jurists, August 1968.

<sup>3</sup> 83,000 Europeans; 7,000 Africans; 2,000 Asians and coloureds.

<sup>4</sup> Preliminary results of the 1969 official census show 4,840,000 Africans, 230,000 Europeans, 8,700 Asians and 15,000 Coloureds.

<sup>5</sup> The former 'A' and 'B' rolls will be abolished, and there will be a European roll which includes coloureds and Asians and an African roll. Cross-voting is abolished; no African may be a candidate in a non-African constituency or vice versa. The franchise qualifications for both Europeans and Africans will be raised.

<sup>6</sup> The basing of representation for Africans on their income tax contributions, an unacceptable criterion in any event, ignores the fact that income tax contributions by whites to the total State revenue is only about 20%, yet they will have 75% of the Parliamentary representation. The shift of emphasis from income tax to indirect taxation introduced in the recent Budget will render this 20% even more insignificant.

<sup>7</sup> The figure for the European reserved land represents an increase of over 9 million acres.

<sup>8</sup> 2440 (XXIII), adopted following the report in 1968 of the Ad Hoc Working Group of Experts established by the Commission of Human Rights.

<sup>9</sup> Adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders in a resolution of 30th August 1955.

<sup>10</sup> Section 44(f) makes it an offence to publish 'false information concerning the behaviour or experience in prison of any prisoner or ex-prisoner or concerning the administration of any prison, knowing the same to be false, or without taking reasonable steps to verify such information, the onus of proving that reasonable steps were taken being upon the accused'.

<sup>11</sup> See *Bulletin* No. 34 for a detailed analysis. The Act allows for indefinite detention of suspects by the police without the need for a court order. Detainees may be held under the Act in conditions of complete secrecy and isolation at the uncontrolled discretion of the police and the Minister of Justice.

<sup>12</sup> See on this point the Special Study in this issue of *The Review* at pp. 35-36 below.

<sup>13</sup> *Erosion of the Rule of Law in South*

*Africa*, International Commission of Jurists, August 1968.

<sup>14</sup> General Assembly Resolution 2145 (XXI) 1966.

OUR COUNTRY OUR RESPONSIBILITY

(By Duncan Innes)

INTRODUCTION

Some people may wonder why I, as a student, have chosen a topic such as this for my talk today; these people may ask why as students we are concerning ourselves with our country and not concentrating on our studies.

To these people I would say that I believe firmly that a university can only reflect the aspirations of the society in which it exists, and thus to study the one without the other is to do only half the job. Each one of us here will shortly be leaving our university to take our places in our society, and it is therefore imperative that we are aware of the state and health of that society. Furthermore, with the present political trend in South Africa, students stand clearly in the political spectrum of our society and so a proper understanding of the society in which they operate is essential.

But first let us analyse briefly our own position—the position of the student in South Africa. For example, how many students are there studying at universities in our country?

In 1968 there were 74,330 enrolled students. Of these students the racial breakdown was as follows:

Whites, 65,745; African, 1,530; Asiatic, 3,218; and Coloured, 3,885.

Total non-Whites: 8,585.

This means that of the total percentage of students studying at institutions of higher learning in South Africa only 11.5 per cent were non-White, and of that percentage 3 per cent were Africans.

Why is the rate of education of the non-White and particularly the African so low? The Government submits again and again that it is doing all it can to increase educational facilities for the non-White. They point to the establishment of the University College of Zululand, of the University College of the North, of the University College of the Western Cape, and they cry, "look what we are doing for the non-White!" And, indeed, giving credit where credit is due, we will admit that the establishment of 3 non-White colleges, which are now almost full-fledged universities is a fine record. But when we study the enrollment figures at some non-White institutions we see that:

University college	Student enrollment		
	1960	1968	Increase
Zululand.....	41	368	327
Western Cape.....	161	669	508
Fort Hare.....	360	451	91

These figures we feel do not denote great progress, but giving the Government the benefit of the doubt, we presume that universities simply grow slowly, so we look at the White universities to see how they have increased their enrolment in the same eight years:

University:	Increase by 1968
Natal.....	2,008
Witwatersrand.....	3,081
Cape Town.....	2,058
Potchefstroom.....	1,547
Pretoria.....	4,103
Stellenbosch.....	2,735

It would seem that, from these figures, the Government is doing all it can to improve the opportunities for Whites to get a university education while neglecting the non-Whites almost entirely.

But Mr. Harry Lewis, newly-appointed Nationalist Party MP, tells us that this is not so. Almost confidentially he gives us the reasons. "You see," he says, "the Black man unfortunately just isn't up to university standing. He can't absorb all that knowledge, poor chap. Just look at the school failure rates," he tells us. So like good South Africans, we look at the figures. We see that of all African children of school-going age, 78 per cent are attending schools. This, we agree, is impressive.

We see that in Sub A there are 580,533 African children. But by the time we reach Matric we see that there are only 2,075.

We look at the overall picture and we see that out of an African population of 12,750,000 in 1967 only 17.49 per cent were at school. That is 2 million children. Of these 2 million over 1 million, or more than half, are in Sub A, Sub B, Standard 1 and Standard 2. Why do so many African children fail to get any further?

The answer is very simple. Government sources inform us. They just cannot keep up. They just do not have the brain-power to match us Whites. But what the Government doesn't tell us is that the ratio in these classes is 1 teacher to 58.8 children. What we are not told is that the reasons why there are more children per teacher this year than there were last year is because an African teacher gets paid less than half the salary of a White teacher with equal qualifications. The Government does not tell us that a non-White artisan with a Junior Certificate can get a larger salary than a teacher with a Senior Certificate and 2 years' training. For the non-White, Mr. Chairman, where is the incentive to teach? This is why last year there were 1,750 teaching vacancies among non-Whites.

Our helpful Government sources forget to tell us that although books are free at Government Schools for White children, non-White children have to pay for theirs; and that the parents of most of these youngsters live in abject poverty so that they just cannot afford to let their children go on educating themselves. They have to go out and work or the family will starve.

Thus, although the Minister of Bantu Education can proudly claim that 78 per cent of African children receive schooling, he forgets to mention that less than 30 per cent ever get over Standard 2 and in fact that only 0.08 per cent reach Matric.

If, despite all these facts and figures, our learned Government source still tries to tell us that the Government is doing all it can for non-White education in South Africa, then we must ask one last question. How much money per pupil is spent on education?

In 1960, which was the last time the Government issued these comparative figures:

R144.57 was spent per White child.  
R59.13 was spent per Coloured child.  
R12.46 was spent per African child.

The education of the non-White, and particularly the African, in South Africa is a myth and a lie. It is something the Government can proudly point to when it is questioned in the United Nations, but when one delves into the intricate cobwebs of half-truths one is confronted with the painful fact: the Government does not want to educate the Black man.

Those who do manage an education, those who gain Matric, those who go on to get degrees and to become doctors are men and women whose courage and determination is not easy to match. Like the medical student, who this year applied for a NUSAS scholarship: he had just completed his 2nd year; he had obtained 2 second class passes—a truly remarkable achievement. I asked him where he lived. He said he shared a one-room shack with a friend. Wasn't it awkward, I asked, if one of them wanted to work at night and the other wanted to sleep with a light shining in the room? There was no light, he

said, they had no electricity. But how do you work at night, I asked? By candle-light, he said.

But now, we should ask ourselves why should the Government not wish to do all it can to educate the African and thus enable him to raise his own standard of living? Surely, we would expect any rational government to plough as much money as possible into the education of the poor so that in this way the poor may be better equipped to enter new and better jobs, thus earn larger salaries, raise healthier, better-educated families, and surely in this way, with more and more educated men and women entering our professions our whole society would be enriched and would prosper economically. But this is not the policy of our present Government and to understand why, we must look at the whole political situation.

#### THE HOAX OF SEPARATE NATIONS

The policy of South Africa at the moment is one where the White group has economic and political control of the country, and they do not intend to let it go.

Now the question arises, if the White group who have this power, do not intend to lose it, what are they going to do with the majority of the people? The White group feels that whatever it does with these people it must ensure three things: firstly, that the policy has some form of moral justification; secondly, that it is economically sound; and thirdly, that it won't involve any loss of power for the Whites. And with those three aims in mind, the late Dr. Verwoerd produced the doctrine of separate nations.

Dr. Verwoerd said we will give the Africans their own nations in which they can have full rights of citizenship. But obviously since we, the Whites, have already developed certain sections of South Africa for ourselves, we will give the Africans those sections that are still largely under-developed so that they can develop those sections for themselves.

Of course those sections that are still under-developed only amount to 13 per cent of the total land space of South Africa, but after all there are only 16 million of them and 4 million of us, he said. And anyway, we can't be expected to give up what we have developed.

But, said his critics, what will happen when these Black nations develop and grow economically and politically powerful? Won't they be a threat to us? I think Dr. Verwoerd just smiled. Because he knew it was all a mammoth hoax.

Dr. Verwoerd knew that the Bantustans were agriculturally semi-impoverished, industrially useless and economically unable to pay for themselves. He knew that the Bantustans could never ever hope to absorb all the Africans in the Republic. There could never be enough work. He said, and Mr. Vorster says, that the Africans will gradually return to the Bantustans as they develop and the need for more workers grows.

#### REALITIES OF A BANTUSTAN

But let us look at the Government's biggest showcase, the Bantustan which has already survived 5 years of so-called self-government—the Transkei.

The Transkei consists of 16,000 square miles. It has an African population of 1.4 million. Thirteen years after the Tomlinson Report—which was the first blueprint from which Dr. Verwoerd worked—13 years after this report claimed that in 25-30 years the Transkei would be able to support 10 million Africans, we find that it cannot even support 1.4 million. There are 3 factories in the Transkei and they employ less than 2,000 Africans. There are only 32,700 Africans employed in the Transkei and in another 12-17 years, according to the Tomlinson Report, employment must be found for 10 million. Today we learn that the Tomlinson Report is inaccurate. By the year 2000 there will be

9 million more Africans in South Africa than the Report bargained for.

But, we ask, what happens to those Africans who cannot find work in the Transkei and the other homelands? They return to the Republic as migrant labourers.

And so now we can see how the great scheme really works. The homelands can never become economically self-sufficient.

Last year the Transkei had a total budget of R20 million. From its own sources, the Transkei raised R4.5 million. The balance comes from our generous Government. I am sure that should Chief Mantanzima ever wish to do anything with which Pretoria were dissatisfied, Pretoria might discover that there were certain difficulties involved in handing over the R15.5 million so necessary for the Transkei's very survival.

Thus we see that the Bantustans, because they can never be economically self-sufficient, can never be politically independent. And, although they can have all the trappings of independence, such as a Prime Minister, a Cabinet and elections, they will never be able to acquire such natural rights of any nation, as for example an army, even for self-defence. As long as the Bantustans rely on the South African Government for their funds—which they must forever do—they can never support themselves, and therefore, they will never be politically independent. Thus, the Whites' third aim, that they should lose none of their power is realised, while their first aim that their policy should also have a seemingly moral justification is theoretically realised to the lazy or indoctrinated thinker—for "one day", we are told—not in his lifetime, Mr. Vorster tells us—but one day, these nations will be free.

And, of course, we must not forget that the policy must be economically sound, too, which was, you will recall, our second requirement. So we have an African population unable to find work in the homelands drifting back into the Republic and supplying a constant labour force for our mines and factories. And they will go on doing this because they need work for food and we will go on receiving cheap labour and our economy will grow and grow and requirement number two has been met. Of course, we do not allow these men to bring their wives and children because we do not need them to work, and if these men grumble about poor wages we simply sack them because our system is so sound that we know that there are millions more who are so hungry that they will work for any amount of money, no matter how small.

#### THE OUTCOME OF APARTHEID

Apartheid represents a depressing picture. It is a picture of a cunning system that is so evil and so selfish that one wonders that human beings could ever have evolved it.

It is a system that forces over 600,000 people in Soweto, an African township in Johannesburg, to live in 70,000 houses. That is, according to the official Government figures, 9 people per 3-roomed house.

It is a system which orders 33,000 Coloured people to be evicted from their homes in District 6 at a time when there is already a shortage of 30,000 Coloured homes in the Cape Peninsula alone—at a time when 15,000 Coloured people in the Cape are waiting for homes and 66,000 are inadequately housed. These are official Government figures.

It is a system which evicts these people from their homes because, in the words of the Minister of Community Development, Mr. Blaar Coetzee, he "wants it for a White luxury area".

It is a system which causes a man to say, "I do not weep for the non-White; I weep for the White".

It is a system which allows the homes of 170 Coloured people to be bulldozed down and then leaves them sitting for two weeks on the roadside . . . without shelter. A 90-

year-old man and a 2-month-old baby, we read, shared a ditch.

It is a system which enables the homes of 1,746 Coloured people, to be bought by the Government and resold to Whites, with the Government gaining a total profit of R6.8 million—and this after official Government sources inform us that 60 per cent of the Coloured people are poverty-stricken.

It is a system that allows in one year for 12,000 cases of malnutrition diseases among African babies, 700 among Coloured babies and 9 among Whites. According to population ratios, these figures should be Whites 9, Coloured 4 and Africans 36.

It is a system that allows 50 per cent of all African children born alive to die before they reach their 5th birthday.

It is a system which allows the Minister of Community Development to stand up and say that the Indians in South Africa must branch out willingly from Commerce and the Government will force them out. "They must branch out into other occupations", he said, "and become clerks, roadworkers and fitters and turners. This will be done", he concluded, "not only in the interests of South Africa, but also in the interests of the Indian community."

#### LIMEHILL AND STINKWATER

It is the policy of the mass removals of Africans from White areas which has caused the horrors of Limehill and Stinkwater. This is a description of a Government resettlement camp, Stinkwater, which lies 35 miles from Pretoria, and into which the Government has forced thousands of Africans to move. It is written by one who was there, and it appeared in the *Rand Daily Mail*:

"It consists of corrugated iron shacks, mud huts and wooden houses. Hundreds of the slum dwellers have been infected with a scourge of skin diseases. Scores of children had bloodshot eyes accompanied by a discharge of tears. A medical practitioner said the children were showing symptoms of trachoma, which could lead to blindness. Other children had their heads covered with ringworm. Some of them found it difficult to play because of swollen limbs."

But in case you are feeling depressed, do not worry, because the report noted that "there is 1 nurse in the area", and as far as sanitation goes, "a borehole is open for 4 hours a day".

But what did this place look like, we wonder, when the Department of Bantu Administration and Development forced these people to move there and said "this is your homeland"? We do not know what it looked like then, but 6 months after these people had been there in the middle of winter, we know what it looked like. There were no schools, no stores and no clinic. The people lived in tents. There was one hand pump for water which was used by over 400 people.

It is only fair, however, to present the other side of the picture too, and 3 months later there had been improvements. There was half a school, an old shack for a store, a motor-driven pump, but still no clinic. That is progress.

Most of the men who live at Stinkwater work in the cities during the week, and only come home to see their families over the weekend. Those who do come home every day arrive home by bus at 9 p.m. and have to be up at 3 a.m. to catch the bus to the city at 4 a.m. The bus fare is 45c per day single and R4.40 a month. In addition, money is, of course, needed for clothes and food. There are no toilets provided at all.

Then there is Limehill, where many people have died. In October of last year an epidemic broke out there, and a letter was sent to the Minister of Health, Dr. Carel de Wet, asking for an inquiry as typhoid was suspected.

On December 10th, the Minister issued a statement saying conditions at Limehill were normal. In only 3 months, from September

to December, out of a population of 6,000 only 19 people had died.

On December 21st, Archbishop Hurley visited the area and claimed that he had evidence that between October 1st and December 10th at least 45 people had died. He informed the Minister of Health. The Minister then issued a statement admitting that in 5 months 73 people had died, but this, he said, was also normal. If 19 deaths in 3 months is normal, and 73 deaths in 5 months is also normal, I shudder to think what the Minister would regard as abnormal.

At this stage dozens of pressmen were converging on the area to attempt to ascertain the truth. The Minister was quick to slap a ban on any pressmen visiting the area. But he could not stop members of Parliament going there, and he could not stop doctors going there.

Eventually, after 35 deaths had occurred in 2 weeks, the State ordered inoculations and set up medical "checkpoints". The Natal Regional Director for State Health issued the following statement: "We have established contact with the disease. The picture is not entirely clear, but it is apparently the result of insanitary conditions." A spokesman for the State Health Department said that between 15-20 per cent of the children at Limehill have contracted gastro-enteritis and the disease was spreading to adults. But he added "this is quite normal at this time of year because of the heat and the flies."

What really happened at Limehill, we will probably never know, for while people died, the Government banned the Press from going there; while people died the priests who tried to save them were interrogated again and again by the Special Branch; and while people died, White South Africa went about its business.

What we do have, though, is the report of four doctors who did voluntary medical work in the area before the Government went in and who delivered a "factual account" of their findings.

Between December 23rd and January 19th, 760 patients attended one clinic. The size of the community which that clinic served was 2,000. Among the cases examined were: diarrhea and vomiting (68), suspected typhoid (4), confirmed typhoid (8-1 death), pneumonia (9-2 deaths), tonsillitis (19), otitis media (8), eye infections (21), salpingitis (3), cystitis (43), pellagra (53), kwashiorkor (28), vitamin deficiency disease (20), scurvy (8), rickets (3), scabies (27), worm infestation (7), and suspected TB (5).

Fifteen of these patients were pregnant. What, we might ask, would have happened to those people if doctors had not voluntarily gone there to treat them?

One of the diseases mentioned was typhoid. Of this disease the doctors say "it spreads in conditions of poor hygiene . . . In a normal, healthy community the acceptable incidence of typhoid is nil. Thus in a community the size of Limehill, 8 confirmed and 4 suspected cases would in any medical sense be called very serious."

"Diarrhea", the doctors say, "was the commonest reason for consulting us. Just over 50 per cent of all patients who came had these complaints. It is most serious in babies and young children who form a very large percentage of the cases. Sudden deterioration and death may occur within hours."

The doctors continue: "From the disease we saw, it is self-evident that the water and waste disposal facilities were inadequate." They conclude: "We understand that the men are, to a large extent in other areas. We would indicate that this is unsatisfactory and a further factor in continuing the vicious cycle of disease, poverty, ignorance, disease."

This report was published before the Limehill debate began in Parliament. Let us see what occurred there. Dr. de Wet said that in one year there were 18 cases of typhoid and

asked what was so abnormal about that. He went on to criticise the United Party, the Press and all those who had attacked Limehill as being "enemies of South Africa". Blaar Coetzee, replying to a barrage of Opposition questions, asked: "Does the U.P. want caviar for the people of Limehill?" Another Government spokesman, amid roars of Nationalist laughter, said that he thought everyone was making a mountain out of a Limehill.

But not all Nationalist comments were sickly witticisms. Sometimes they tried to defend it. There are 2 ambulances available which come in from outside, they cried, and a district surgeon visits the clinic once a week, and there is one district nurse on duty all the time. When their critics said there were 6,000-8,000 people there spread over many miles with no proper toilet facilities, only a pit system, and not one house, Government MP's claimed that these conditions were due to the fact that the people there have done nothing about them. They had, after all, been supplied with tents and equipment to dig pit latrines when they were originally dumped there. It was Dr. Radford, the United Party MP who pointed out that there were no men there—they were working in the cities: "Surely", he said, "you do not expect women with babies on their backs to dig 20-ft. latrines in the hard soil of Northern Natal?"

Dr. Radford went on to say that of the many cemeteries in the area, he had only visited 2, and he had counted 40 graves, not 19 as the Minister had said. He had been shown 750 medical cards of children suffering from gastro-enteritis. And amid jeers and catcalls from Government benches, he added: "And if you want the names on the graves, I will show them to you."

And so the tragedy of Limehill was laughed out of Parliament and the Minister of Health refused to set up a commission to investigate it. We will never know how many people died there. Some people say they have seen hundreds of graves; the Minister has only seen 19. We will probably never know how many hundreds of other Limehills have occurred, are occurring, and are going to occur. Perhaps it is just as well, for as the Nationalist Party newspaper, *Die Transvaler* so aptly put it:

"Limehill was never presented as a utopia to the thousands of outcasts who were shifted there, although it undoubtedly must have seemed like one to many of them. The area offers reasonable living conditions, and the residents are happy because their living conditions there are infinitely better than the places they come from."

Yes, it is true, the residents are happy. Their happiness is the eternal stillness of the grave. But their passing was not a happy one, their last desperate agonies were not happy, and their deaths have labelled South Africa with a terrible guilt.

The guilt for those deaths lies with the Nationalists who jeered and led to smother the truth. The guilt lies with the public that didn't care. The guilt for those deaths lies with you and I who read the newspaper reports, shook our heads in horror, and then threw the newspaper aside. The guilt, fellow-students, is ours, because we have done nothing.

I have touched very lightly on the topic of apartheid. I have revealed certain horrors and certain injustices, but I have only scratched the surface. Beneath the surface lie a million further tragedies, human tragedies all of them. Tragedies of discrimination, of despair, of selfishness.

The tragedies of over 12 million Africans who must carry passes with them like dog licenses for fear that they, like dogs, will be impounded. The tragedies of 72,936 Africans who have been uprooted from their homes and forced into barren resettlement areas. The tragedies of 92.5 percent of an Indian

group of 99,000 who have been affected by Group Areas. And these are just the facts and figures. They are statistics, Government official statistics, and they cannot tell of the many other horrors that are caused by this system.

They cannot tell of the terrible harm that malnutrition does to the mind and body; they cannot tell of the destruction of minds and personalities which the horrors of Limehill perpetrate, they can only record the deaths. It is impossible to estimate the drunkenness, the poverty, the prostitution, and other vices which this system forces onto the people who are subjected to it. Our only knowledge that this sort of thing occurs is when we see the battered tramp in rags staggering drunkenly down our dirty streets only to be hurled brutally into the back of a waiting van. And then the reaction of the White population is as certain as ever: "You wouldn't want your daughter to marry one of those, would you?"

This is a story of a people with no rights and no future. This is the story of South Africa today. Behind the lamentable story lies a quiet philosophy; a philosophy which the rulers of our land have nurtured and long cherished. It is the philosophy which today steers South Africa on its present course. It is the philosophy which has entrenched itself in our society, our heritage, our way of life. For the last 15 years young South Africans have been subjected to Christian National Education, which pervades our school textbooks and governs the order of our thinking.

But what is it? What is this Christian Nationalism?

I could not define it better than did our own Prime Minister, Mr. B. J. Vorster, when after he had been appointed a general in the Ossewa Brandwag in 1942, he said:

"We stand for Christian Nationalism which is an ally of National Socialism. You can call this anti-democratic principle dictatorship if you wish. In Italy it is called Fascism, in Germany, German National Socialism (or Nazism), and in South Africa Christian Nationalism."

#### THE STUDENT ROLE

South Africa is our country and our responsibility. If we are concerned for the future of our country, as I am because I do not believe she has a secure future, then we must ask ourselves what we can do for our country and for our future. We must ask ourselves what we, as students, as tomorrow's leaders, can do. We must ask ourselves what NUSAS can do.

This is a question which NUSAS leaders have asked themselves for many years. Some of their answers have not, I feel, been either sensible or realistic. One such answer was the one which the President gave five years ago. In 1964 Jonty Driver, speaking of NUSAS, said, "To be brutally frank and utterly honest, NUSAS is a front for the liberation movement in South Africa." Speaking in 1969, I must say to be that to be brutally frank and utterly honest. Jonty Driver was talking nonsense. NUSAS is not and cannot be any sort of subversive organisation, nor can we house or protect subversives. We are a national students' union and we must remember this. This is all we are and this is all we can claim to be. The duty of a national students' union must be to reflect the views of the students it represents and to carry out such functions as the students wish it to carry out. This is all we can do.

At the same time the views of these students will give the national body certain principles and a certain basic policy. That policy we might refer to in South Africa as our social conscience. That basic policy or guide has already been discussed, agreed upon, and accepted by the students within NUSAS. It is the internationally acclaimed Universal Declaration of Human Rights, a document signed by all the countries in the world except eight—South Africa, Portugal and some countries of the Communist Bloc.

Not unexpectedly then, the basic thoughts of the Declaration stand directly opposed to the policies of the Government at present.

Our role then, as I see it, the role of NUSAS, the role of South African students, is to hold our basic policy before us as an ideal and to work with all our strength for the implementation of that ideal. Our role must be to point out the injustice of our society. This is our duty, to do both as citizens of South Africa and as members of the community of mankind. Let the South African people never be able to say, as the German people said after they had seen the mangled horrors of Auschwitz and Buchenwald. "We did not know this was happening." In 10 years' time, let this not be the pathetic cry of White Africa. We know! We are aware of what is happening! It is our duty to make South Africa aware of what we know.

There are those who would say that all is peaceful in South Africa. Let them remember the thousands of banned men and women who lead twilight existences in our land.

There are those who would say that the African is happy in South Africa. Let them remember Sharpeville.

There are those who would say that the African is well-treated in South Africa. Let them look to the filth of the African locations.

There are those who would say that South Africa is a sunny, healthy land. Let them look to the dead in Limehill.

And when they say to us, as they will: Why do you point out these things? Are you a Communist? Are you a Leftist? Are you an enemy of South Africa? Then reply to them that you are none of these things. Tell them that you are someone who believes that every man who is born has a right to life, that every man who is born has a right to develop himself to his full potential. Tell them that when you point out injustices in your country, you do so not because you wish to harm your country, but because you wish to remove the injustices and thus improve the image of your country.

There is much in this country that needs to be improved for in a land such as this, where the majority have no freedom, none of us can be free. If a Government can condemn one section of the population, there is no reason why it cannot condemn another. The African who struggles for equal rights and equal opportunities is condemned; the White man who defends the African's rights is also condemned. The 180-day law, banings, passport removals, and deportations are the order of the day. And we must remember that because one person has lost a passport, all of our passports are in jeopardy. We must remember that because one man has been banned, all of us can suffer the same fate.

There is no criterion by which we may judge whether we are safe or not. The law can be no criterion because the courts are discarded by our rulers. You do not have to commit a crime to be condemned by our Government. You simply have to do something that these enlightened dictators do not like at one particular time. With that criterion no-one is safe. Not even the verkrampes, or ultra-conservatives, who are harassed as much by the Special Branch as we are.

There are those who say that one can have freedom in South Africa just as long as one keeps quiet and does not say or do anything that will upset the Government. We must ask these people what sort of freedom do you think you have if you are scared to exercise it? What sort of freedom is it when people are scared to do what they wish to do for fear of losing freedom? This is no freedom. This is a pathetic malprocess which stunts the growth of the mind, the personality and the character of any human being who is subjected to it.

And what freedom do we, in South Africa, have today anyway?

Do we have the freedom to love whom we choose? No! It is against the law to love someone whose skin is of a different pigment to ours. We can only love those whom our rulers have by law approved. Do we have the freedom to go wherever we choose in our country or can we go only to those places which are marked by our Government for Whites only? If we are in a hurry, do we have the freedom to catch the first taxi or bus that arrives, or must we wait for one that is marked for Whites only?

Do we have the freedom to invite the MCC cricket team to visit our country or must we first dictate who their team is to be? Do our athletes have the freedom to compete internationally, and I mean all our athletes? Do we have the freedom to read great books and see great films or are we only allowed access to those our rulers deem fit for us?

These are but a few of our unfreedoms. They are only the beginning. There will be more unfreedoms for us to chalk up on our "Book of Rules".

We can, of course, sit back and accept all of this. We can argue that there is nothing we can do now, and that in time all these problems will sort themselves out. This is a fallacy. Time alone can change nothing. It is through our efforts now that time will eventually reflect change. But we must make the effort now!

We must look around us and ask ourselves what we can do. We do not have to look very far. At this very moment a drama is playing itself out, a drama that once again involves the futures of men and their destinies. I refer to the injustice of unequal pay for South African doctors.

The position is clear. Pay for doctors is not on a basis of merit or amount of work being done. It is on the basis of race. We have already seen that the South African non-White labours under far greater difficulties than the White to educate himself. Yet we see that when he eventually achieves this success, he is condemned to less salary than his fellow doctor who is White. Why? These doctors save the same lives, they heal the same sick, they work the same hours, yet they do not receive the same pay.

The Government tells us that it is because non-White doctors do not have the same needs as the White doctors. It is the right of the individual to decide what his needs are, and no Government has the right to decide for him.

At university at present, there are White and non-White medical students studying together. Their futures are involved here. And they are students. They are our fellow-students. The futures of some of them are tainted with injustice, and I believe that we have a duty to stand by our fellow students, and to defend their rights just as they would defend our rights.

At the end of May almost 200 doctors will resign from hospitals in South Africa, because of unfair treatment. I do not believe that we should encourage them to change their minds because their decision is uncomfortable for us. I believe that we should stand by them because they are right.

A few days ago, the NUSAS executive and Standing Committee of SRC Presidents issued a joint statement in which we expressed our concern at the present situation. We pointed out, as has Professor Chris Barnard, that it is unjust to pay a man according to the colour of his skin. We pointed out that this was of direct concern to NUSAS because there were thousands of medical students studying at centres affiliated to NUSAS and their futures would be affected by this. We pointed out further that NUSAS is the largest medical scholarship agency in the country, and thus we are even more concerned. In our statement we called on the Minister of Health, Dr. Carel de Wel, to take steps

to rectify the matter immediately. That is what we have done so far.

I have spoken at length on our country and our responsibility. I have spoken of our aims and our hopes. If at times we lose heart because we are not making the progress we would like to make then we take courage from the words of the late Senator Robert Kennedy, who said in 1966:

"Each time a man stands up for an ideal, or strikes out against injustice or acts to improve the lot of others, he sends forth a tiny ripple of hope, and these ripples meeting each other from a hundred different centres of energy and daring will build a wave which will be so strong that it can sweep down the mightiest walls of oppression and hate."

Let us stand up for our ideals. Let us dare to struggle and let us dare to win. Let us dare to dream of a future in which all the people of South Africa will be able to join hands together and to cry out in the words of the old Negro spiritual:

"Free at last, free at last; thank God Almighty, we're free at last."

## THE BREMERTON SUN EVALUATES PRESIDENT NIXON'S VIETNAM SPEECH

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. HICKS. Mr. Speaker, much has been written and much has been said about President Nixon's speech on Vietnam. No doubt this speech will continue to elicit comment.

But nowhere have I seen a more thoughtful analysis of the speech, nor a more clear reflection of what I am certain is the general attitude of the public in the Sixth District of Washington, toward the speech in particular and our Vietnam policies in general, than the editorial which appeared in the Bremerton, Wash., Sun on November 5, 1969.

I would like to be on record as supporting our gradual withdrawal from Vietnam, and as sharing the reservations voiced so lucidly here by Mr. Gene Gisley, editor of the Sun. His editorial follows:

HOW MUCH LONGER WILL PROMISES DO?

Many may disagree but President Nixon's Vietnam speech has been a serious disappointment to both hawks and doves. After weeks of speculation that his address would be a major pronouncement on the war, it turned out to be nothing more than a rephrasing of what he's already said.

Almost two years ago, in February, 1968, Mr. Nixon deemed it politically advisable to promise a plan to end American participation in the Vietnam War. He did not clarify the method he would use, cloaking his secrecy in the guise of loyalty to the administration then charged with carrying out the war itself.

The seeds planted then have sprouted and the plants have grown. Monday night, we thought, was the time of harvest.

The President had advertised the speech for weeks. His associates alternated between promising great pronouncements and cautioning against any such hopes. The President was extremely nervous as he spoke; he stumbled frequently in his delivery.

His anxiety was understandable because he was offering two contradictory solutions to the war. He has, he said, a timetable for withdrawing all American combat ground

forces from Vietnam as fast as Vietnamese are trained to replace them. But he can not disclose the timetable because that would encourage the enemy to wait out the withdrawal.

If there really is a timetable for withdrawal, we do not see that the enemy would be any less encouraged to wait it out simply because it is unannounced. The distinction between them, of course, is that an unannounced timetable is no timetable at all. And it should be realized that the President's withdrawal relates only to American combat ground forces; not the air force and not logistical support, just combat ground forces.

More importantly, the timetable of withdrawal seems to hinge on the ability and willingness of South Vietnamese to be trained to replace the Americans. And the threat of escalating the war again is clearly retained if "enemy action jeopardizes our remaining forces in Vietnam."

It strikes us that the President sought to win support from both doves and hawks so as to reduce the vocal dissent on the war long enough to give his old policy time to work.

Apparently he has achieved that, at least for a little while. The White House has been deluged, it is reported, with telegrams expressing support for the President's policy as it is understood. Kitsapers too rushed off an unusually large number of wires offering their support.

All of that expressed support may not be as spontaneous as it seems. For the President to receive one telegram bearing 20,000 signatures strikes us as a deliberately engineered expression of support.

What is more to the point is a question as to how long that enthusiastic attitude—genuine or contrived as the case may be—can be sustained.

Others may debate war in terms of morality, purpose, or grand strategy. What concerns the dispassionate observer of current events is the temper of the people. By and large, moral judgments tend to be those in demand at the time they are made; purpose can be read into any rationalized situation.

The temper of the people today is for an end to this business of war-as-usual. The people in 1968 spoke clearly and with such outrage that they removed from political contention one of the nation's most able political practitioners. Mr. Johnson was blamed for the war and so he had to leave. Mr. Nixon said he had a solution for the war and so he was elected.

Can President Nixon much longer con the nation into believing he has a plan to end the war without producing one?

#### MOTHER'S GRATEFUL TO MYSTERY MAN

### HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. THOMPSON of Georgia. Mr. Speaker, when Lloyd C. Douglas wrote the book, "The Magnificent Obsession," he told the story of an unselfish, unassuming person who gloried in doing good for others without seeking personal reward or recognition.

Far too often, the exploits of unsung heroes go unnoticed and unrecognized—and unrewarding. Recently, there appeared in the Atlanta Constitution, the morning newspaper published in my dis-

trict, the story of a "mystery man" who saved the life of a 5-year-old boy by rescuing him after he had been struck by an automobile and administering first aid while the child was in shock.

As so often happens when such a life-saving event occurs, no one got the man's name and he did not stop to identify himself nor to seek reward or recognition.

However, someone recognized him as an employee of the Atlanta Gas Light Co., and through the assistance of one of my constituents, we have identified this heroic individual as Mr. Raymond K. Vickery of 2010 Childress Drive, Southwest, Atlanta, Ga.

Although in the true tradition of the central character of "The Magnificent Obsession," Mr. Vickery did not seek reward, I certainly think he deserves reward. The news media of this Nation are filled too often with the downfall of mankind, his feelings, his shortcomings, his involvement in crime and graft and corruption, and too few times are there stories of unselfish heroic acts such as the one outlined in the news clipping which I ask the Chair to allow me to insert in the RECORD. Therefore, it is my pleasure to call to the attention of this body and to the entire Nation the life-saving act of Mr. Vickery whom the child's mother credits with saving the life of her son. I have no particular reward that I can present him except the praise and admiration of myself and I know the similar appreciation of other Members of this body for the kind of American he really is.

The article follows:

[From the Atlanta Constitution,  
Nov. 1, 1969]

#### SAVED SON'S LIFE: MOTHER'S GRATEFUL TO MYSTERY MAN (By Diane Stepp)

"I don't know who he was," Mrs. Eva Bell Williams repeated Friday, "but I certainly do want to thank that man. He saved my baby boy's life and I didn't even get to thank him."

Mrs. Williams, a welfare recipient and mother of nine, wants to give this message personally to a "stout built man who works for the Atlanta Gas Light Co.," and who, doctors say, probably saved the life of her 5-year-old son, Alonzo Bernard Davis, after he was struck by a car on Oak Street late Tuesday afternoon.

The unidentified man who was working nearby rushed to the child after he had been struck by the automobile and began administering first aid to the boy who was in shock.

Mrs. Williams, who lives at 592 Lawton St. SW, said that by the time she got to the scene of the accident the man had placed his coat under the child's head and was bent over him giving him first-aid treatment.

Mrs. Williams said that she was so upset that she did not get his name and that she left in an ambulance with her child to go to the St. Joseph's Infirmary.

"The doctor told me that I need to thank this man, whoever he was, 'cause he probably saved my boy's life," said Mrs. Williams. The boy spent 20 hours in an intensive care unit in shock with a skull fracture and bruises on his side and feet. He is now at home and recovering, said his mother.

"He was a white man," said Mrs. Williams, "the sweetest one I ever saw in my life. I wish I could see him again and thank him for my boy's life."

#### POLITICAL PERSPECTIVE: PRES- SURE GROUPS AND ISSUES

### HON. FRED SCHWENGL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. SCHWENGL, Mr. Speaker, in the United States, more than in other modern democracies, organizations outside the party structure are important parts of the political system. As an issue-oriented pressure group itself, the League of Women Voters has devoted one of its series of political perspective tapes to a discussion of "Pressure Groups and Issues." Mrs. Bruce B. Benson, president of the League of Women Voters of the United States, Dr. Royce Hanson, director of the Washington Center for Metropolitan Studies, and John Gunther, director of the U.S. Conference of Mayors, all of whom have lobbied on numerous issues discuss how to translate ideas into political action.

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

#### POLITICAL PERSPECTIVE: PRESSURE GROUPS AND ISSUES

Participants in the program in the order they are heard:

Torrey Baker, former broadcaster, Voice of America;

Mrs. Bruce B. Benson, President, League of Women Voters of the U.S.;

Dr. Royce Hanson, former professor of political science and Director of the Washington Center for Metropolitan Studies; and

Mr. John Gunther, Director, U.S. Conference of Mayors.

BAKER. The League of Women Voters presents Political Perspective: Pressure Groups and Issues.

This is Torrey Baker speaking to you on behalf of the League of Women Voters as we look at the relationship between pressure groups and the important issues of the day. You will hear from Mrs. Bruce Benson, President of the League of Women Voters of the United States, Mr. John Gunther, Director, U.S. Conference of Mayors, and Dr. Royce Hanson, former professor of political science and director of the Washington Center for Metropolitan Studies.

Mrs. Benson, if a person is particularly interested in an issue whether it be civil rights or water pollution or foreign policy, what should he do?

BENSON. Well, if he really wants to have an influence, if he really wants to get his ideas across and feeling—and feel as if he is having an impact on what happens, he should join with others who have similar ideas and similar goals.

BAKER. Dr. Hanson?

HANSON. The best way to be effective in politics if you have ideas you would like to see implemented is to get elected. There is no more effective method. The next most effective method is to get your best friend elected.

BAKER. If you have ideas that you would like to see converted to political realities the advice seems to be run for office or join a group. We can't all run for office but we all can join a group. Mr. Gunther, who are the pressure groups? What kinds are there?

GUNTHER. There are those pressure groups that have large numbers of members let's say 'labor unions' and there are—or the Chamber of Commerce have large numbers of members across America. Then there are those pressure groups that have a lot of money. They

are groups that generally are lobbying for fairly narrow concepts of amendments to get more money, or to protect what they've got, and they use their money, to influence public opinion, influence elections and the trade unions and the Chamber perhaps use their members to sort of impress on the politician that they have lots of votes out there.

**BENSON.** There are many groups which are working on public issues. Activist groups, such as social action groups within churches, worked very hard during the civil rights struggle. There are consumer's groups, there are groups of citizens particularly interested in the welfare of children and youth, and the League of Women Voters is interested in public issues. The League of Women Voters is a political education, a political action group.

**BAKER.** Joseph C. Harsch has said, "In the United States, more than in other modern democracies, organizations outside the party structure are important parts of the political system. They provide the crusaders with new ideas, the advocates of new or old causes, the recruiters of the faithful whose emotional issues are involved. Dr. Hanson?"

**HANSON.** Interest groups are very important and I think it is probably fair to suggest as Mr. Harsch does that they are a prime source of new ideas and new approaches for the political parties which then ultimately take them over through—or take over the ideas through candidacy and through platforms and through legislation and through administrative acts or programs once they get their candidates elected.

**BAKER.** In recent years we have seen another source of ideas—the governmental commission—a group of people chosen by a government official to look into a problem of great concern. The President's Crime Commission—the Commission on Civil Disorders are two that come to mind. What about Commissions as a source of ideas, Mr. Gunther?

**GUNTHER.** I think the Commission offers a real opportunity to bring various views to bear on a common problem—the Crime Commission or the Riots Commission. However, I don't think we have got to keep studying everything forever. One of the problems—and I think this is very true with the disadvantaged minority citizen and that is, that we keep studying, and studying, and studying. We don't need very many more studies. We need to do something about them.

**BAKER.** But how do we do something about them? How do ideas get from the idea to the political action stage?

**GUNTHER.** I think you have to go through political animals and that could be a League of Women Voters local chairman or the mayor. It is people who are willing to involve themselves in the day-to-day political situations—it is these people who stick the ideas into the political mainstream and do something about them. They talk with the politician, they try to persuade him that these ideas are helpful, that they will help him in trying to reach solutions.

**BAKER.** Dr. Hanson?

**HANSON.** I think ideas for political innovation come very often from necessity. A situation develops which you know, advanced thinkers may have anticipated, but politicians by and large are not supposed to be advanced thinkers. Their job is to respond to the here and now and the squeaking wheels. Well, ultimately as some of these people will attach themselves or get attached to by a political leader who senses that things are not going as well as they might and that if he has some new ideas and new approaches, that he might be able to achieve power and to exercise power and to undertake programs that will be more beneficial than those that are currently being undertaken.

**GUNTHER.** The administration in power is of course a great generator of specific legislation. Almost all the bills that become law in any administration are introduced from the administration forces.

**BENSON.** I think it is very important to remember that if you want to be successful in changing things in politics or in government, you have to work with the political situation as it is at a given time. Lobbying in Congress is very important, working with members of the Administration is very important, and the lobbying that is done with various members of Congress needs to be backed up by direct communications in terms of letters, or telegrams, from the people at home.

**BAKER.** Do you agree, Mr. Gunther?

**GUNTHER.** Yes, I think the only value of work on the Hill here in Washington is so that you know what is going on to keep the people back home informed. We hardly ever go see a member of Congress without having the Mayor from that member's hometown talk to him.

**BAKER.** Well, of course, Mr. Gunther, you as a representative of the Conference of Mayors have an advantage. The people you represent are themselves politicians. But that could have disadvantages too. How are you received, for example, when the Mayor is of a different political party from that of the Congressman?

**GUNTHER.** The party politics doesn't really make that much difference. I know, for example, that Senator Dirksen greatly respects the ideas of Mayor Daley of Chicago even though they are political—not in the same political party.

**BAKER.** In Washington alone, I understand, there are more than 5,000 trade associations and other organizations trying to influence the Congress and other public agencies. Do any of these people perform a really useful function, Mr. Gunther?

**GUNTHER.** I think that—and I say this from having worked for a Senator—on his staff—that the lobbyist performs an extremely useful function in that he gives the Congressman or the Senator some other information than he gets from the Administration. If you didn't have lobbyists you would be solely reliant upon the Administration. On the other hand, you wouldn't want to be solely reliant on one side of the lobby, but that won't happen. For every issue that comes up in Congress there is at least somebody for it and somebody against it and they both come to see you so that you get an outside-nongovernmental view of the merits and demerits of each proposal.

**BAKER.** I understand that Congressmen are a great influence on one another—that in fact they "lobby" one another. Is this true, Mr. Gunther?

**GUNTHER.** It is absolutely true. I say this all the time to my own staff. The best way to get something done on the floor of the House or the floor of the Senate is to get you three or four firm, staunch allies that are members, and give them the information, get them to go out and try to get recruits and if they can find in talking to a fellow member that well this fellow has got questions that we don't clearly understand, then they come back to us; we give them the answers, try to get the answers, or maybe we can have a little seminar and get some of the doubters in and talk about it and try to answer their question. Or modify the bill to meet their objections. But the inside lobbyists, the members are really the best.

**BAKER.** We all agree that the main purpose of pressure groups is to influence legislation. A somewhat round-about way of doing this is through the use of public opinion. Mr. Gunther, how do you go about influencing public opinion?

**GUNTHER.** Well, I think influencing public opinion comes probably at two levels. There is the long-range, trying to change the

climate of American view . . . And then there is the short-term use of media, perhaps the "sell."

**BAKER.** Which media are the most important? What about television?

**GUNTHER.** Among the media, I would say that television does have more impact than others, but if we could include in media the printed work such as the books and pamphlets I am not sure. I think they are all tied together. For example, the Riots Commission Report is published by Bantam so it is in the realm of media, but certainly the way that television, radio and the newspapers have all carried it, and have handled it and the report itself, having sold by now I guess about a million copies, really has a tremendous impact, so I think all of the media, the picket signs that the people carry in front of the White House . . . that media, that has a great deal of impact. But I think the one thing about television that is awfully hard to ignore the impact of it. You actually see the policeman and the crowds struggling . . . you cannot sort of say "well, that's something really removed. . ."

**BAKER.** What about the media's influence on Congress? Senator Mansfield once said that "Some Congressmen read the Chicago Tribune and some Congressmen read the New York Times, but all Congressmen read their home town paper." Do you agree, Mr. Gunther?

**GUNTHER.** I know home-town papers have an influence on a Congressman's thinking. You go to any Congressional office, and they've got all the home-town papers there and the staff is busily going through clipping them and calling them to the attention of the boss. Indeed, when we want—when we find out that a Congressman or a Senator here in Washington is going to vote we think is a wrong way, we not only call up the mayor but when we get the mayor on the phone we say "Also why don't you get the X paper to carry an editorial on this?" and we know that this has substantial influence on the member.

**BAKER.** Mrs. Benson?

**BENSON.** Yes, I do agree with that, the Congressmen are influenced by all kinds of things, not only editorials but also letters to the editors in their local papers. They are influenced by what impact legislation has on their own constituents especially on issues of bread and butter concern, and on taxes. They are influenced by how programs are being carried out at home such as poverty programs, whether they are working well or not, whether they are reaching the people they are supposed to reach.

**BAKER.** Is it worthwhile for a pressure group to try to influence the content of party platforms, Dr. Hanson?

**HANSON.** I think it is very important to present the views of a group before the Platform Committee. The platforms are not terribly radical in their tone, but they very often are ways by which the mainstream of American politics and begins to accommodate itself to its various tributaries and the rising and lowering of intensity of feeling among those groups.

**BAKER.** Congress, the administration, public opinion, party platforms and party members . . . all are ways that pressure groups can influence the turn of events in this country. Our guests agree that individuals can exert pressure on government—can make their voices heard—can see that the issues they think important receive consideration. But only if they join with others who are headed in the same direction. Thanks to Mrs. Bruce Benson, President of the League of Women Voters of the United States, Mr. John Gunther, and Dr. Royce Hanson.

This is Torrey Baker speaking for the League of Women Voters and bringing you Political Perspective: Pressure Groups and Issues.

AFRICAN DEMOCRACY—ONE CHIEF,  
ONE VOTE

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. RARICK. Mr. Speaker, the American people are constantly bombarded with suggestions that the primitive states of Africa have attained a degree of maturity and are making great progress in democracy.

Last week in Nairobi it was announced that Kenyatta, the bloody old Mau-Mau butcher of Kenya, was reelected President. In the tradition of tribal rule and African culture, there was no opposition.

The method of choosing a chieftain remains unchanged. It is now termed an election, but the democratic process is as remote as in the ancient times of Stanley and Livingstone. Now, as then, there is no opposition in Kenya because it is still unhealthy—opponents are murdered on the street or secretly hanged—while Kenyatta's Kikuyu tribesmen are "oathing" in the jungle.

Meanwhile in Congo, the two tribal nations of Brazzaville and Kinshasa are at odds. President Mobutu of Congo Kinshasa, tired of allegations that his tribe were plotting against the Congo Brazzaville tribes, rattled his spear and darkly suggested that if he wanted, he could conquer his neighbor in 2 hours.

Apparently, since the kidnaping and elimination of Moise Tshombe, President Mobutu has extraordinary executive powers usually reserved only to kings or chiefs—unimpeded by the moderating influence of democracy.

And interestingly enough, Kenya, Congo Kinshasa, and Congo Brazzaville each hold one vote in the United Nations Organization, just as does the United States. These three African votes match the three votes of the Soviet Union, and in the UNO, they share mutual concern and vote consistently together over such international matters as democratic processes, human rights, and the threat to world peace posed by Rhodesia.

I include several clippings from the Washington Post:

JOMO KENYATTA REELECTED UNOPPOSED IN  
KENYAN PRESIDENTIAL ELECTION

NAIROBI, November 22—Jomo Kenyatta today was reelected President of Kenya. He was the sole nominee for the post.

Kenyatta, who became Kenya's first President when the country became a republic in 1964 following independence from Britain the year before, said at his home later that he had rededicated himself to the unity, prosperity and progress of the people of Kenya.

Elections for a new National Assembly, the first since before independence, are to be held Dec. 6.

Meanwhile, Kenya's Home Affairs Ministry had no comment to make on today's report that the convicted murderer of Kenya's Economic Minister Tom Mboya was secretly hanged earlier this month.

Nahashon Isaac Njenga Njorge, 32, was sentenced to death in September for shooting Mboya on a downtown Nairobi street

on July 5. The East African High Court denied an appeal on Oct. 13.

## CONGO TROUBLE

KINSHASA—Warning sirens sounded and troops went on alert in Congo (Brazzaville) after Congo (Kinshasa) President Joseph Mobutu said his nation could conquer its neighbor in two hours.

The President, speaking on the fourth anniversary of his reign, said he was tired of allegations that his nation was plotting against Brazzaville. "I am fed up with it. If we really wanted, it would only take us a couple of hours to silence those people over there," he said.

POSSIBLE REPERCUSSIONS IN POLICIES  
BEING CONTEMPLATED BY  
WEST GERMAN CHANCELLOR

## HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. DERWINSKI. Mr. Speaker, with the national preoccupation that we have over the Communist aggression in Vietnam and Communist meddling in the Middle East, we must not be oblivious to the political developments in West Germany.

A very keen analyst of the European scene especially of the inherent problems in dealing with Communists, is Ray McHugh, chief of the Washington Bureau of the Copley News Service. Mr. McHugh discusses possible repercussions in policies being contemplated by West German Chancellor Willy Brandt in an article in the Friday, November 7 Illinois State Journal.

BRANDT SHAKES EUROPE WATCHERS WITH  
OVERTURES TO REDS

(By Ray McHugh)

WASHINGTON.—"Europe watchers" are beginning to feel the first stabs of nervous tension over the new West German government of Chancellor Willy Brandt.

For the first time since World War II, there are twinges of doubt about the course Bonn may follow.

Brandt's election as Chancellor last month caused hardly a ripple in Washington. True, he is the first social Democrat to lead a post-war German government; and, true, he had displayed a certain independent view of relations with Eastern Europe during his years as foreign minister in the "grand coalition" of Chancellor Kurt George Kiesinger; and there was a confidence that any changes in policy would come slowly, that there would be full discussion within the North Atlantic Treaty Organization.

The confidence has been rudely shaken.

In a rapid-fire series of actions and messages, Brandt has:

Hinted at Quasi recognition of the Communist East German regime of Premier Walter Ulbricht.

Indicated a willingness to negotiate a "renunciation of force" agreement with East Berlin.

Opened the way for broad trade talks with Poland which could involve at least implied recognition of the Russian-imposed Oder-Nisse Boundary.

Declared a willingness to begin bi-lateral talks with Moscow on another "renunciation of force" treaty.

Moved toward ratification of the nuclear non-proliferation treaty.

Opened a gaping hole in the "Hallestein Doctrine" which Bonn has employed for more than a decade to discourage diplomatic recognition of the East German regime.

"The landscape has significantly changed," charged an angry Kiesinger in a speech to the West German Parliament.

The Christian Democrats are vehement in their view that Bonn speaks for all Germans, East and West. Eventual reunification is a cardinal principle. The hopes of millions of expelled persons, for eventual return to homes in the East has always been nourished.

In one short month, Bonn has become a cockpit of debate. Americans accustomed to the quiet days of Christian Democratic majorities when West German policies moved almost in lock-step with U.S. policies appear disconcerted. Under Chancellors Konrad Adenauer and Ludwig Erhard the identification was so close that some Germans complained they had become American puppets. Under Kiesinger's "grand coalition" with the social democrats, the combined power of the two big parties tended to discourage parliamentary controversy.

"Today all this has changed.

"Bonn is no longer a 'quiet little town in Germany,'" said one state department European expert. "It's become quite explosive and somewhat disconcerting."

Brandt's Social Democrats trilled the Christian Democrats in the Sept. 28 voting but neither majority party gained a majority. Brandt forged an alliance with the pivotal Free Democrats that gave him a thin majority in the Bundestag. Technically he enjoys a margin of about a dozen votes, though this has already shrunk to four on at least one ballot.

The new chancellor's concerted bid for new openings toward Communist Eastern Europe has caught many by surprise. Brandt long advocated new efforts toward "detente" with the Russians, but he was expected to move cautiously.

His actions thus far, although bold, have been carefully cushioned with assurance to the United States and other NATO allies. West Germany this week joined NATO allies in rejecting a Warsaw Pact bid for an all-European security conference in early 1970 to discuss disarmament and broader East-West trade. The NATO group said Russia has not yet demonstrated sincerity, but Brandt is already on record as saying Europeans should not allow memories of the 1968 Czech invasion to block talks with the "OST bloc."

He also has told the Bundestag that his overture to Ulbricht distinguishes between formal international recognition and constitutional recognition. The leading West German newspaper "Die Welt" commented that "The distinction . . . is spun too fine to stand up against the massive reality . . . applaud. Before the world they will celebrate it as a 'victory of realism.'"

More Conservative West German newspapers, including one owned by Bavarian leader Franz Josef Strauss have bluntly accused Brandt of a "sellout."

Liberal editors are defending Brandt's moves as mere refinements of policies set in motion by previous Christian Democrat regimes.

The presence of 22 Russian divisions in East Germany, however, has always bolstered Adenauer-Erhard-Kiesinger claims that Ulbricht represents nothing but Soviet power.

Sudden moves by Germans always tend to have a jolting effect elsewhere. Two centuries of European history is marked by upheavals directly linked to German turns to the East.

There is no suggestion that Brandt contemplates any dramatic "deal" with the Soviets.

As a youthful mayor of West Berlin who looked like a German counterpart of John F. Kennedy he became an international symbol of resistance to Communist aggression. His World War II role as an underground fighter in Norway against Hitler's Army is well known.

His performance as Kiesinger's foreign minister for the last three years was impressive.

But Brandt remains untested as a national leader. His party is enjoying the dominant role in German politics for the first time. There is an inevitable excitement connected with unaccustomed power, particularly among young pragmatists eager to prove new theories.

Officially, Washington is maintaining a discreet silence on Brant's overtures to the East. Unofficially, it would appreciate a little less eagerness, a little less tension in Bonn.

#### FOREIGN ASSISTANCE ACT

### HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. DENNIS. Mr. Speaker, it required considerable soul searching on my part to vote for the Foreign Assistance Act of 1969—popularly known as foreign aid—but I believe that I did the right thing as our circumstances and world circumstances presently exist.

This is primarily because of the situation now existing in Southeast Asia, and particularly in Vietnam.

One of the largest items in the foreign aid bill, \$414,600,000 for each of the fiscal years 1970 and 1971, or a total of \$829,000,000, is for emergency and supporting assistance, and 79 percent of this total is for Vietnam, while 93 percent of the total goes to Vietnam, Laos, and Thailand. These funds are expended for economic, relief, police, and pacification assistance directly and primarily related to increasing the capacity of these countries to maintain economic and political stability and to defend against Communist expansion.

These countries are, of course, perimeter defense countries against Communist expansion in Southeast Asia.

The Republic of Vietnam is currently our ally in war; and very certainly if President Nixon's policy of phased American withdrawal and "Vietnamization" of the war is to have any realistic chance of success—and nothing is more important today than that it have such a chance—then it seems to me axiomatic that we must do all we can to keep Vietnam economically and politically stable and viable during the process. To deny such aid, under current circumstances, would be to sabotage America's Vietnam policy. This I am not willing to do.

In addition, the bill provides \$350,000,000 of military assistance in each of the 2 fiscal years, 1970 and 1971, and 90 percent of this, again, goes to front-line countries—Greece, Turkey, Free China, and the Republic of Korea. \$50,000,000 additional military assistance is pro-

vided to Korea in each of these years; and this is a country which truly stands eyeball to eyeball with the Communist aggressor.

I believe that it is sound American policy—in protection of our own vital interests—to extend such assistance to these countries.

Again the bill was amended on the floor to provide \$54,500,000 in fiscal 1970 for military aircraft for Free China—the planes to be purchased in this country, as is the case, generally, with foreign aid expenditures. I voted against this amendment because I was reluctant to add so substantially to the moneys authorized by the bill; but it cannot be denied that this expenditure, too, may be a very useful thing from the point of view of strictly American policy.

There are other good features in the bill, and outstanding among these are \$75,000,000 for fiscal year 1970 to assist family planning and population control and \$100,000 for the same purpose in fiscal year 1971. This is a type of aid very vitally needed in some countries, and the absence of which would largely nullify over a few years any good which our various aid programs may do.

There has also been, and I am sure there is, waste, inefficiency, and fat in foreign aid. I was pleased to support Representative ADAIR's successful move to cut \$100,000,000 from development loan funds over a 2-year period; and I regret the failure of Representative DERWINSKI's amendment, which I also supported and which, over the 2-year period would have trimmed the development loan authorization provided in the committee's bill by \$650 million. This would have been a long step toward holding authorizations down to the actual appropriations of last year, or below, which I think ought to be done; but this goal may be substantially reached when the appropriation bill is presented later this session.

During debate on this measure, I stated that I regarded foreign aid as an instrument of American foreign policy, not to be used or employed indiscriminately as a global do-good program, but selectively as our own policy and interest might indicate.

This has not always been done nor is this the philosophy of all those who support foreign aid; but I subscribe, generally, to the thought expressed during debate by the gentleman from Ohio (Mr. TAFT) when he spoke of foreign aid as "a weapon, an arm of our foreign policy, which, under the circumstances in which we find ourselves today, it would be most unwise to omit and overlook."

Men will honestly differ as to when, where, and to what extent this weapon ought to be employed, and as to what activities may properly come within this definition; and it may be that at another time or in another year I would be less inclined toward the use of foreign aid than I am today—but, on balance, and for the reasons stated, I am satisfied that the success of American foreign policy today requires the passage of the Foreign Assistance Act of 1969.

#### EQUAL JUSTICE FOR THE POOR

### HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. MOORHEAD. Mr. Speaker, an amendment to the OEO authorization bill threatens the future of the highly effective legal services program. The amendment, adopted by a close vote of the Senate, gives the Governor of each State the authority to veto a funding or refunding proposal for a legal services program. It removes the existing authority of the Director of OEO to override such a veto.

The philosophy of the legal services program has always been to provide the poor with the same high quality legal service available to those who can afford to retain a lawyer: this philosophy must continue. But enactment of the Senate bill would effectively kill legal services programs in those States where the legal needs of the poor are most severe.

The amendment is primarily aimed at preventing lawyers from handling cases that involve arbitrary or illegal action by governmental officials or that are designed to achieve significant improvements in the laws affecting the poor. These are among the most vitally needed and successful services performed by legal services attorneys to date.

I intend to oppose any amendment which restrict the right of OEO attorneys to represent poor clients.

I include in the RECORD an editorial from the October 23, 1969, edition of the Pittsburgh Press for the attention of my colleagues:

#### SAME LAW FOR ALL

A Senate amendment to the Office of Economic Opportunity (OEO) extension bill threatens one of the anti-poverty agency's most successful and least expensive programs.

By a 45-40 vote, the Senate adopted the proposal of Sen. George Murphy, California Republican, to enable state governors to veto projects undertaken by OEO's neighborhood legal services program.

Through this program about 1800 lawyers now advise 600,000 poor people in 200 neighborhoods. They handle the normal legal services most people need—not criminal cases—and the rather special matters affecting the poor, such as usury and public housing eligibility.

These lawyers also perform another service. They handle what is known in their trade as "class action"—that is, they go into court and seek for the poor the rights which, in many instances, the poor aren't even aware they have.

For example, the OEO lawyers in 1967 forced California Gov. Ronald Reagan to restore a \$16 million cut in the state's Medicaid program.

Sen. Murphy and his cohorts think the taxpayers should not have to subsidize suits against themselves through the legal services program. On the other hand, the law is supposed to treat everyone equally, and if the poor don't know their rights they can't receive equal treatment.

This is not a question of subsidizing troublemakers to harass public officials. This is a question of guaranteeing an individual citizen the rights that are supposed to be his.

The American Bar Assn. calls Sen. Murphy's amendment "oppressive interference with the freedom of the lawyer and the citizen."

The head of the National Legal Aid and Defender Assn. says the amendment could cause the poor to look on the legal services program "as a paternalistic handout, meant to deceive . . . not to help effectively."

OEO Director Donald Rumsfeld opposes the amendment and says he'll work against it in the House.

If we're going to have law and order in this country, those virtues are going to have to apply across the board. That means the same law for rich and poor.

READING DISABILITY CENTER AND CLINIC, UNIVERSITY OF ALABAMA MEDICAL COLLEGE

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. BUCHANAN. Mr. Speaker, the citizens of Alabama have been extremely proud of the outstanding work in medical research, care, and training which is undertaken at the University of Alabama Medical Center in Birmingham, Ala. I am especially pleased at this time to call the attention of my colleagues in the Congress to the particularly significant contribution which the university's Reading Disability Center and Clinic has made to the study of dyslexia and related learning disabilities. In doing so, I also take great pleasure in pointing out that on this date the National Broadcasting Co.'s "Today" show is presenting certain aspects of the clinic's research program to its nationwide audience.

As legislators, we all realize that one of the most important responsibilities of any nation is toward the education of its children. Each year the Congress itself devotes a considerable amount of time to education legislation. Regardless of how effective our education programs are, however, there are countless children who because of specific learning disabilities cannot benefit from the usual methods of teaching. These children suffer from dyslexia, which the clinic defines as "the failure to develop specific perceptual-motor skills to expected proficiency independent of instruction, motivation, sense organ functioning, intelligence, and central nervous system damage." The clinic estimates that 10 to 15 percent of all children are affected by dyslexia to varying degrees.

In confronting this significant problem the Reading Disability Center and Clinic is conducting research into the nature of dyslexia as well as developing the diagnostic instruments and procedures for the early detection of this disorder. The clinic has also given high priority to the development of local remediation programs. There are currently about 2,000 dyslexic children, or those with a related disorder, in the clinic's remediation classes in six States. The clinic establishes local dyslexic research organizations, conducts testing programs

to identify those students needing remediation, and follows up with training programs for those local persons who are to serve as teachers and volunteer instructors. The clinic also furnishes these programs teaching materials and consultation. In a related activity, the clinic conducts two intensive summer research programs each year, running 8 weeks and accepting about 100 students each at a boarding school and a day school. Each site achieved an average reading level increase of about 2 years during the 1969 sessions.

The Reading Disability Center and Clinic has also been actively engaged in the collection and dissemination of information concerning what is known about dyslexia and related disorders. More than 7,500 volumes of informational materials have been published and distributed since the clinic's opening 2 years ago. In addition, they have participated in seminars, conducted workshops for professional persons, and accepted speaking engagements in 11 States.

The clinic's plans for the coming year include the operation of an outpatient clinic so that diagnosis and remediation can be offered immediately, the development of a teacher training program for college credit, and the publishing of more data accumulated from their research.

The contribution which the Reading Disability Center and Clinic has made to the research and treatment of dyslexia is indeed immense. We all owe them a debt of gratitude for their work in this field and I hope that it continues with the momentum and success which have marked it to date.

ASP REPEAL: THE RIFF IN TARIFF

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. RODINO. Mr. Speaker, last week President Nixon submitted to the Congress the administration's foreign trade bill. Previous to this submission there was some speculation that the provision to abolish the American selling price system of import valuation would not be included. Such speculation usually centered around the contention that the Department of Commerce was sympathetic to the views of the U.S. chemical industry—in favor of ASP or similar protection—while the President's Special Trade Representative backed ASP abolishment and congressional approval of the separate chemical package negotiated during the last Kennedy round at Geneva.

Recently Chemical and Engineering News' assistant editor, Louis Agnello, brought much of the speculation together in a penetrating review of the various forces at work. Since that time, President Nixon has come out favoring ASP abolition, and for the record, the Newark Star Ledger quickly reacted to "the riff in tariff."

The items follow:

[From the Chemical & Engineering News, Nov. 3, 1969]

FEDERAL AFFAIRS—ASP REPEAL: DISCORD AT THE WHITE HOUSE?

(By Louis A. Agnello)

Early last month, Murray Chotiner, general counsel of the White House's Office of the Special Representative for Trade Negotiations and an increasingly influential figure in the trade policy area, told a group of chemical executives that a new trade bill was "on the President's desk" and would be going to Congress "momentarily." The bill, he told a joint Synthetic Organic Chemical Manufacturers Association-Commercial Chemical Development Association luncheon in New York, includes a provision calling for the repeal of the controversial American Selling Price (ASP) system of customs valuation of benzenoid chemical imports.

A month has now passed and unofficial word from knowledgeable Administration and Congressional sources is that the bill remains "under consideration" at the White House. The reason for the holdup reportedly is that some key members of the Nixon team seem to be having second thoughts about the wisdom of seeking Congressional ratification of the separate agreement on ASP negotiated during the Kennedy round.

Among the key questions currently being reshaped in the Administration's internal deliberations are said to be these:

Why should the President tie himself to a deal made by his Democratic predecessor when it is strongly opposed by a domestic industry it is supposed to benefit and when it has shown itself to be so politically sensitive with a sizable bloc of Congressmen and Senators?

Since ASP clearly is an important U.S. nontariff barrier in the eyes of many foreign governments, wouldn't the U.S. be in a stronger bargaining position in the tough nontariff barrier talks just ahead if it retained ASP to trade off at that time?

Many salutary provisions of the proposed bill—such as adjustment assistance and escape clause relief from mounting imports, payment of the U.S. share in GATT, and some necessary Presidential "housekeeping" authority in the trade area—are relatively noncontroversial. Why risk delaying Congressional action on these by including the highly abrasive ASP repeal proviso in the same package?

Leading the fight against ASP repeal within the Administration reportedly is Commerce Secretary Maurice Stans. But within the past few weeks some of the President's key supporters on Capitol Hill have been strongly urging him to reconsider his position on ASP. At the same time, some industry and labor leaders have been increasing pressure on the White House to delete the ASP provision.

At the moment, the "cleanse ourselves of ASP now and hope for the best" view still seems to be prevailing within the Administration. But it is becoming increasingly clear that the President will have to cash a number of White House "chits" if he hopes to push an ASP bill through Congress, particularly through the Senate. Mr. Nixon has been forced to cash quite a few Congressional "chits" in recent months—what with the ABM, Judge Haynsworth, and other issues upon which the very prestige of his office has been riding. There seems to be some question whether the President is willing to go to the well again on such a relatively inconsequential (politically speaking) issue.

From the history of past trade negotiations, it would seem that the U.S. is going to need a great many ASP's to put on the table before our major trading partners will significantly reduce their nontariff barriers, which have led to the declining U.S. trade surplus in recent years. It may be fine in theory to purge ourselves of ASP before going

into such negotiations—and the Administration will reap much praise from abroad and from free traders in this country for having done so. But it will put our representatives in a very difficult negotiating position if we really hope to move this country and the world further toward the goal of free or, better still, "fair" trade.

[From the Star-Ledger, Nov. 20, 1969]  
THE RIFF IN TARIFF

President Nixon's long-anticipated message on foreign trade has at last been sent to the Congress, where it is certain to create a stir while facing an uncertain fate.

The proposals set forth in the Chief Executive's special message were perfectly predictable, devoid of last-minute surprises and unencumbered by innovative recommendations. The central thrust was in the direction of freer trade, but there was enough equivocal hedging to disenchant all parties to the controversy, from the most ardent free trader through the most demanding protectionist.

Mr. Nixon alluded to the benefits that freer trade can bring to the entire community, while acknowledging the hardships it can inflict upon specific industries, companies and employees.

Judged overall, the President's message was better balanced than the nation's balance of payments, which showed a large deficit for the third quarter of 1969, despite official promises and efforts to eliminate the worrisome red-ink entries. Released at the same time as the message from the White House, the latest Commerce Department report placed the United States on the losing end of a \$2.53 billion difference between exports and imports. The report indicates the nation is heading for its worst year ever in the business of international trade.

The President proposed a liberalization of the law that allows industries hurt by imports to ask for tariff increases or other protection, such as restrictive quotas on competitive foreign goods. Although authorized in 1962, this "escape clause" has never been invoked, partly because an industry must provide proof of injury to win relief. To ease this condition, Mr. Nixon recommended that adversely affected industries be allowed to obtain relief where increased imports were the primary cause of "actual or potential serious injury."

Offsetting this liberalization, the President cited objections to the American Selling Price (ASP) system, which the chemical industry—in which New Jersey is the nation's leader—calls vital to its economical well-being. Some New Jersey firms insist their survival depends on retention of ASP, which is a device by which the value of benzenoid chemical imports is based for tariff purposes on the price of competing American products instead of the actual foreign price. Foreign cartels provided the best reason in the world to avoid foreign price bases. History tells how the old cartels would drop prices in a target country, wipe out the competition and then, having cornered the market, raise prices to whatever the traffic would bear.

New Jersey's congressional delegation, including Rep. William T. Cahill, now governor-elect, has recognized the importance of the ASP system to the chemical industry and its thousands of workers in the state, and its members are on record as being vigorously opposed to any attempt to eliminate the system. Rep. Peter W. Rodino, the Dean of the delegation has particularly pointed to the good-paying jobs which the industry provides to minority group workers in Newark, where ghetto unemployment is already far above unemployment levels elsewhere. Newark Mayor Hugh J. Addonizio and the Essex County Board of Freeholders have strongly urged the retention of ASP.

There is a feeling that President Nixon is now willing to sacrifice ASP to dramatize the need for other nations to act on non-tariff barriers that stand in the way of freer trade in the world market place.

The weakness of this approach is that it lacks safeguards. There is nothing to compel foreign competitors to lower their border taxes or end other non-tariff barriers which they have enforced for years over the bitter complaints of American industry.

In view of the erosion of America's once impregnable balance of trade position, it is necessary to review and revalue the nation's trade policies.

The advantages which the United States enjoyed for decades, especially with respect to modern plants and technical know-how, vanished in the aftermath of World War II, as Germany and Japan in particular initiated an industrial rebirth in the rubble of their bombed-out cities and countryside.

Free trade has always been a rallying cry with broad popular support. The new facts of international life demand, more than ever, that the United States insist on receiving full value for every concession it agrees to give.

The abuses of the old cartels should caution the United States against surrendering the ASP system without ironclad safeguards that they will not be revived.

Beyond this, genuine reciprocity must prevail. Fair trade must be established before the world can move ahead to freer trade.

#### OPEN LETTER TO MEMBERS OF CONGRESS

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. GRAY. Mr. Speaker, since the Russians launched the first sputnik I have been a strong advocate of our space program, both in public statements and my votes as an eight-term Member of Congress. However I do not believe we should be cruel to animals for any reason. An open letter to Members of Congress by Rev. Dr. Robert A. Russell of Denver, Colo., was recently called to my attention and under permission previously granted me I want to have the letter printed in the RECORD. I believe there is some sobering thought in Reverend Russell's letter:

#### OPEN LETTER TO MEMBERS OF CONGRESS

(By Rev. Robert A. Russell, D.D.)

I hardly need apprise you of the complete failure of the National Aeronautical and Space Administration's abortive experiment in launching Bonny, the "astromonk" (with electrical sensors implanted in its brain and other parts of its body) within a biosatellite capsule into an earth orbit that was to have lasted 30 days.

Eight and one-half days later—after only 30 orbits of the earth—Bonny's falling mental and physical condition compelled the ending of the flight. The biosatellite splashed down, was recovered by a helicopter and Bonny was rushed to a hospital. In about 12 hours from splashdown Bonny died. And the experts were quoted as saying, "we don't know why."

The cost to our taxpayers, so far as I can learn from published reports, was about \$92,000,000—and the results were nil.

This experiment, intended to determine the effect of prolonged weightlessness and concomitant factors on our astronauts, "proved" something all of us know beyond

question: monkeys are not men and men are not monkeys.

A reasonable assayal of this catastrophic flop would be that Bonny died in fear, misery, incomprehension, loneliness and despair. And, quite likely, in pain. Body functions surely do not become inoperative without acute physical distress. Of course, only Bonny could say with complete authority whether its flight was painless and devoid of anguish. Unfortunately, Bonny cannot testify to that. Neither can the flight's sponsors.

But Bonny's death, merciful or otherwise, does testify to a fact proved many times by the National Anti-Vivisection Society. *That is, that animal experiments have little or no relation to possible benefits later to be obtained by humans.*

Bonny, brought to its death under conditions which men easily have survived for 14 days with no ill effects, was one of the primates most closely akin to man anatomically and physiologically. As such, it was the medical world's prime choice for the experiment.

The many millions of dollars spent to send Bonny on its death flight proved nothing, but it did vividly demonstrate once more what humanitarians have been saying for years: animal research holds no solution to the problems concerning mankind with which it is confronted. So—the total result of this experiment adds up to one dead monkey, a bill of millions of dollars to the American tax-payer, and not one single benefit to astronauts, much less the sum total of the human race.

One wonders just when, as animal experiments once more have proved their non-relationship to the human species, so-called scientists will again resort to experimenting on the hapless feeble-minded, paupers and orphans, since they at least are complete physical counterparts of the people this research is supposed to help.

Our concern for humans incapable of giving their intelligent consent for experiments not even intended to benefit them is matched by the outrage of millions of humane persons belonging to animal protection groups over the generally brutal and always inconclusive "work" on the pitifully helpless and trusting sub-species. Would that we could persuade you to heed the words of George Bernard Shaw that "honorable men do not behave dishonorably, even to dogs."

So, I ask you directly, as one of the men and women we have elected to represent our will: what will you do to combat this insensate and frequently useless infliction on animals of pain so agonizing it is beyond my power to describe or yours to comprehend?

Will you introduce legislation to create a humane advisory committee to pass on proposed projects of doubtful value costing millions, and to guarantee that humane society officials shall have a voice in what is done to animals?

Will you attempt to inaugurate and enforce a continuing check on the treatment of animals cruelly confined for experimentation in space and other government laboratories, again with due recognition of the fact no committee of "scientists" or medical men could reasonably be expected to condemn or halt one of their own projects?

Will you give consideration to the fact that all so-called regulatory legislation proposed thus far for the alleged protection of laboratory animals was rendered sterile and "acceptable" to vivisectioners by a provision allowing them to set aside any restriction that might interfere with the success(?) of the experiment? Bluntly, all bills (and there have been a score or more of them) have put a fox to watch the chickens! Naturally, such measures have been defeated, and will continue to be defeated. We might as well have a law providing that embezzlement by a bank teller shall be illegal unless he really needs the money, lack of which

will interfere with his plan for a European vacation.

Believe me, ladies and gentlemen of Congress, millions of compassionate people are waiting on your answer, I would greatly appreciate an expression from you, which will, in due time, be placed before the membership of the society I have the honor to head.

ART BUCHWALD

## HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. OTTINGER. Mr. Speaker, while the fine art of political satire may have suffered a decline, it certainly is not dead—not as long as men like Art Buchwald continue to view government with wit and perspective.

Thanks to an exceptionally interesting article in today's Wall Street Journal, those of us who have been ardent Buchwald readers over the years are now treated to a look at the man behind those satiric thrusts. I am sure my colleagues will enjoy this article and I present it for inclusion in the RECORD:

**BUCHWALD DRAWS BLOOD WITH SATIRIC THRUSTS AT CAPITAL OFFICIALDOM—RIOTING STUDENTS GET BARBS, TOO—INSPIRATION FROM MR. AGNEW**

(By Ronald G. Shafer)

WASHINGTON.—When it comes to digging up exclusives about what's going on here, nobody matches Art Buchwald.

It was columnist Buchwald who recently uncovered the famous "Dawk Report" recommending elimination of the State Department by 1972 because its duties have been usurped by "the Defense Department, the CIA and Henry Kissinger." And it was the same Buchwald who recently disclosed that Vice President Agnew, despite Washington rumors, "has no intention of dumping Richard Nixon in 1972" and "even intended to give him more responsibilities than any vice president has ever given his President before."

Mr. Buchwald, of course, works with certain advantages that ordinary journalists lack. "I never talk to anybody; facts just get in my way," he says with a puff on a big cigar. Besides, he finds it easier just to make things up.

What Art Buchwald (pronounced bauk-wald) does is make up funny things about serious news events, and that's not so easy. That's why he's rich and famous from writing an internationally circulated newspaper humor column that satirizes current happenings and pokes fun at the Washington Establishment. The 44-year-old columnist also is rapidly becoming a humor conglomerate—with a 12th book recently published, a new radio show and a popular lecture tour. In a new diversification move, he's writing a political satire for Broadway, called "Sheep on the Runway."

Art Buchwald the man has even more facets. He has a serious side, but he can be as funny in person as he is on paper. Sometimes he bellows like the ex-Marine that he is, but friends say he wouldn't hurt a fly, or even a politician. And the short, stocky humorist has hidden talents. "Artie," confides one friend, "is a helluva touch football player."

There were skeptics who questioned whether columnist Buchwald could make the transition to the Nixon Administration from the more flamboyant Johnson era. And it

hasn't been easy. "As a humorist, I needed Lyndon Johnson—a lot more than he needed me," concedes Mr. Buchwald about his once-favorite target.

By contrast, "Writing about the Nixon Administration is about as exciting as covering the Prudential Life Insurance Co.," he says, adding hopefully: "But Spiro Agnew is coming along fast." (The Vice President has been the subject of several Buchwald columns lately, including one in which the humorist denied writing Mr. Agnew's speeches.)

NIXON IS A READER

Mr. Buchwald happily observes that the "Administration has livened up" recently by stirring up a controversy over TV and press news coverage. During a chance meeting at a Washington restaurant the other day, he told Herb Klein, the Administration's Communications Director: "Boy, you guys have put me back in business. Where do I send the wine?" A Buchwald column leaped into the TV news debate by chiding one network for showing the on-field violence of the recent Ohio State-Purdue football game "rather than the peaceful scenes on the sidelines."

Buchwald-watchers maintain he has made the Johnson-to-Nixon adjustment hilariously. Some say the column hit peak form this fall with a report that the Administration was looking for an "autumn White House" in Washington as a retreat from San Clemente, Calif. The column said speculation centered on a large house at 1600 Pennsylvania Ave. but quoted a Nixon spokesman as saying, "We're looking at several houses" in that neighborhood.

Art Buchwald's column, which is syndicated by the Los Angeles Times, now appears in more than 450 newspapers—one of the largest distributions of any Washington column; as recently as 1962, the number was 85. He's believed to be among the most widely read columnists in official Washington. President Nixon, though often a Buchwald target, reads the column. And Spiro Agnew is a "Buchwald fan," although "I'm not so sure he finds the stuff about himself so uproariously funny," says a spokesman for the Vice President.

MAKING MOSCOW RADIO

The Buchwald column appears in nearly every non-Communist country and often turns up in the Soviet Union. The Russian government sometimes reprints anti-Administration Buchwald barbs as straight news. Moscow radio, in a recent program beamed to Asia, read the Buchwald column on the "Dawk Report" as an example of a "Washington mood" demanding "that the U.S. Department of State be done away with."

(Mr. Buchwald declines to accept any rubles for the Soviet reprints. Whenever a U.S. official solemnly suggests that his columns are being used for Russian propaganda, Mr. Buchwald's horrified reply is, "Stop them.")

Part of the Buchwald attraction, some readers say, is that there often is a serious point behind his madness. Many of his columns reflect Mr. Buchwald's own opposition to campus violence and the Vietnam war. (His proposal for getting out of Vietnam was to create a Bay of San Francisco incident and then bring the troops home to protect California.) Other columns show his concern over everyday problems like commuting or unsolicited credit cards. "He can make a point in his 550-word column that a serious columnist would make less clear in twice that many words," says Rowland Evans, co-author of the Evans-Novak Report.

Yet the humorist rarely raises real wrath because he makes sure to be funny first and not to be "preachy." Even the targets of his satire don't seem to get too upset because the Buchwald humor isn't bitter but more like good-natured spoofing. "Perhaps it's a weakness that his satire, although effective, doesn't really sting that much. It pricks

the surface but doesn't go to the vitals," says one prominent capital journalist.

Others argue that Mr. Buchwald's kidding, often-whimsical approach is a strength because it commands a wide audience for his serious insights. At any rate, the columnist probably couldn't be more vitriolic if he tried because "he just isn't a mean man," says a friend, Philip Geyelin, who is editorial-page editor of the Washington Post.

Still, the Buchwald barbs often got under the skin of former President Johnson. And some Nixon economists were peeved by a recent column in which a Buchwald-created economist—Professor Heinrich Applebaum—explained that the Administration's tax-reform proposals would ease the burden of the wealthy while allowing the average wage-earner only enough tax savings to buy a new tire or 200 bus tokens. "Why, it wasn't even accurate," fumed one top-level Administration economist.

And the columnist's fanciful views on serious topics aren't a bit funny to some people.irate letters are sure to pour in whenever he spoofs sex-education critics, gun ownership, the Beatles or, lately, Spiro Agnew. His office walls are lined with 20 of the best "hate" letters. Wrote one teen-aged girl: "You should be ashamed of yourself for hurting our darling Beatles. I hate you, you dirty old man."

Even Buchwald fans concede their hero's satiric barbs don't always hit the mark. Mr. Buchwald himself says he has "never been satisfied with my columns on racial issues." But by most estimates, he has a consistently high batting average.

One occupational hazard, Mr. Buchwald says, is that readers sometimes take his flights of the imagination seriously. Nothing has matched the fuss stirred up a few years ago when he wrote that FBI chief Edgar Hoover was "a mythical person first thought up by the Reader's Digest." Papers carrying the column were deluged with calls from readers demanding to know if the story was true. The FBI still hasn't forgiven him, Mr. Buchwald says.

FROM PARIS TO NEW YORK

"What really scares you," he says, "is when you make something up and it turns out to be true." When President Johnson sent troops to the Dominican Republic in 1965 on the ground of protecting Americans there, a Buchwald column reported that one last American, named Sydney, was being detained there so the troops wouldn't have to leave. The humorist says that when a friend at the U.S. Information Agency saw the column, he asked in all seriousness: "Who have you been talking to? That's been our problem for three weeks."

There isn't any indication that Buchwald columns directly influence government decisions. "But sometimes you incorporate them in your deliberations," says Walter Mazan, an Assistant Transportation Department Secretary. He recalls a recent meeting with airport managers at which officials first chuckled over a Buchwald column on long airport walks and then seriously discussed the problem. The column had disclosed that at Chicago's mammoth O'Hare airport, one gateway walk actually ended up in Davenport, Iowa.

Art Buchwald has been writing funny columns for more than 20 years. He began newspaper work in 1948 as a \$25-a-week movie reviewer on the New York Herald Tribune's Paris edition but soon became popular for a column called "Paris After Dark." He came to Washington in 1962, shortly after President Kennedy had canceled White House subscriptions to the Tribune which had been critical of the Administration. Rumor had it that the Buchwald move was in retaliation. That wasn't true, "But I thought it best not to deny it," Mr. Buchwald says.

The humorist gets most of his column ideas from newspaper articles which he rips out and stuffs in his shirt pocket. "Something just has to click," he says. A news story about Jackie Onassis, he adds, is a surefire trigger for his imagination; one recent column purported to interview her judo instructor.

## PURE VENOM

Other ideas come from personal experience, such as the column about long airport walks. "My transportation ones are written with real venom," he says.

On a typical working day, the humorist has already read the Washington Post and New York Times before leaving his north-west Washington home at about 9:15 a.m. He takes a taxi (he doesn't have a driver's license) for the 15-minute ride to his office at 1750 Pennsylvania Ave. about one block from the White House.

At the office, he scans the 20 to 40 letters that arrive each day but soon is roaming his 13th-floor hallway, visiting nearby offices of the Boston Globe and Newhouse newspapers. And the morning isn't complete without a stop across the hall to "make trouble" for columnists Rowland Evans and Robert Novak. "There's a method behind it all," he says. "In all the joshing, an idea might spark."

About 11 a.m., Mr. Buchwald sits down to write his own column. Sometimes he may have to sweat for an idea, but once he has one, the writing comes easily. "I don't stew over it," he says, and it usually takes him less than an hour to bang out a column that runs about two and a half pages of yellow typewriter paper. Although he has to write three columns a week, he hasn't any in reserve and usually works only about two columns ahead. (His Sunday column is usually written on Tuesday).

To get a quick reaction to his latest effort, Mr. Buchwald first shows it to his secretary and then takes it around to nearby offices. Mr. Evans usually gives the column a grade. ("If he gives me a B, I'll fight for a B-plus," asserts the humorist.) Occasionally, if the reception is cool, he'll do some rewriting.

(Sometimes, neighbors Evans and Novak aren't in a mood for kidding. Mr. Evans recalls one time when the two were struggling with their own column and Mr. Buchwald bounced in, waving his newest piece. Mr. Evans yelled for Mr. Buchwald to leave them alone but then broke up laughing when the elfish-looking humorist stopped, looked at Robert Novak and deadpanned, "Bob, do you realize that if something happened to Rollie, you'd make twice as much money?")

## A PERMANENT TABLE

With the column wrapped up, Mr. Buchwald lunches between about 1 and 2:30 p.m. at the Sans Souci, one of Washington's better and more expensive French restaurants. He has a permanently reserved table against one wall and holds court with a bevy of friends that often include Russell Baker, humor columnist for the New York Times, columnist Mary McGrory of the Washington Star and Ethel Kennedy. He heads home from the office about 4:30 p.m. and, after dinner, often is back at typewriter with some work—lately, polishing his play. "I feel guilty when I'm not in front of the machine," he says.

The cornerstone of Mr. Buchwald's growing empire is his column, which is repackaged for about every available market. Most of his books are collections of past columns and generally sell about 35,000 hardback copies each. A radio show, begun last January, also makes use of dialogue taken from the columns. The five-minute show is broadcast five times a week on 130 educational stations and is just being picked up by 60 FM stations in several major cities.

The columns also are the core of a 45-minute "lecture" that he delivers to college students, conventions, business groups and other

organizations. Among current lecturers, "probably no one is in greater demand," even though his fee of \$2,500 plus expenses is about the highest around, says a spokesman for W. Colston Leigh Inc., his lecture bureau. He gives four lectures a month, nine months a year.

Mr. Buchwald gives basically the same lecture each time, although topical material is updated periodically. The speech is called "The CIA for Fun and Profit." Its topics range from Mr. Buchwald's capital graffiti—"Judge Haynsworth, call your broker"—to his theories on handling campus-building take-overs—"Instead of trying to get them out, we should brick them in." It also includes recollections of how young Art Buchwald dropped out of the University of Southern California to go to France because he heard that "in Paris, the streets are lined with beds."

## POLISHING THE PLAY

Part of lecturer Buchwald's attraction is the engaging way he looks and talks. He looks humorous, like a roundish pixie. He wears hornrimmed glasses, and a large cigar usually protrudes from one side of his mouth. (He smokes six to eight cigars a day.) And his remarks are delivered with a mock seriousness or indignation that makes it sound as though he really believes what he's saying.

Lately, much of his time has been taken up writing—and rewriting—his first Broadway play, which is scheduled to open Jan. 19. The play is about a political-appointee ambassador in a small country in the Himalaya Mountains. One day a hawkish columnist named Joe Mayflower arrives, "and all hell breaks loose," Mr. Buchwald relates.

Mr. Buchwald denies that the columnist in his play represents Joseph Alsop, the real-life pundit. But columnist Stewart Alsop—Joe's less hawkish brother—Isn't so sure. "Why," he asks, "does everybody call me Stewart Mayflower?"

Not everything Art Buchwald does is successful. A few years ago he collaborated with the Times' Russell Baker on a movie outline that didn't sell. According to this script, Nikita Khrushchev's nephew came to the U.S. and joined the John Birch Society. But movie producers said it was "too implausible," Mr. Baker says, adding caustically that not long afterward Joseph Stalin's daughter came to the U.S. "and joined the Book-of-the-Month Club."

Nevertheless, Mr. Buchwald has come a long way for a Long Island boy who was raised in foster homes and dropped out of high school to join the Marines during World War II. His annual income now totals about \$200,000. And he turns down other income opportunities by refusing to do product endorsements or commercials.

## THE EASTER BUNNY

In real life, friends say, the humorist is a friendly, sensitive man. "He can be blustery and loud, too," says Elaine Marcisso, his secretary for the past six years. "But he's the kindest man I've ever met," she says. Others say that he freely gives time and money to charities and hospitals, especially those involved with children.

What many children know is that Art Buchwald is a mythical person who is really the Easter Bunny. A couple of hundred kids and their parents gather each year at the Buchwald home for a traditional party at which the chunky humorist, according to one participant, dresses up in "a flea-bitten rabbit suit and runs around like a Pied Piper." The kids have only a few doubts. Columnist Robert Novak recalls that at this year's party, his three-and-a-half-year-old daughter wanted to know, "Daddy, why is the Easter Bunny smoking a cigar?"

"What people don't understand about Buchwald," says Mr. Novak, "is that he isn't just a funny man. He cares deeply about things." And he does work hard to keep in-

formed on current topics. But he also likes to joke with friends and frequently tries out column ideas in conversations. He often sends friends funny telegrams—collect.

In his spare time, Mr. Buchwald likes to play chess and gin rummy. And on most fall Sundays, he can be found watching pro football either in front of his color TV set or at the Washington Redskins game. He's a quarterback in neighborhood touch-football games. The Post's Mr. Geyelin, a neighbor, describes Mr. Buchwald's football talents this way: "He's not too fast, but he has deceptive speed, good moves and is an accurate passer." But, complains Mr. Geyelin, "he's a nitpicker about the rules."

Although much sought after on the cocktail circuit, Mr. Buchwald, who doesn't drink, prefers to stay at home with his family. He has been married 17 years to a Pennsylvania girl he met in Paris where, he quips, "we both had the same black-market money changer." Art and Ann Buchwald have three adopted children—Joel, 16; Connie, 14, and Jennifer, 13. Reflecting a concern about the generation gap, one parental rule is no television for the kids during the week; as a result of the ban, says father Buchwald, "we found that they started coming in and talking to us."

Columnist Buchwald, however, doesn't let sentiment interfere with business. His family is expected to come up with a couple of column ideas each week, he says sternly, "or out they go."

## WAR PRISONERS' RIGHTS

## HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. DERWINSKI. Mr. Speaker, my attention has been directed to an editorial in the Wednesday, November 19, South-west Graphic of Lemond, Ill., which in a very effective fashion, emphasizes the concern that all Americans should have over the rights of Americans who are prisoners of war of the Communist North Vietnamese.

The editorial, which follows, very properly emphasizes that even the demonstrators who criticize U.S. foreign policy legitimately express interest in the treatment afforded American prisoners of war:

## WAR PRISONERS' RIGHTS

U.S. servicemen fortunate enough to win their way back to freedom from North Vietnamese detention have affirmed that prisoners are often subjected to unspeakable abuses and torture.

Recent action of the American Red Cross to intensify efforts open channels of communication and relief to U.S. servicemen being held as prisoners of war in North Vietnam is highlighted in the approval of a resolution adopted by representatives of 77 governments and 91 national Red Cross societies, urging that prisoners of war be given the benefits and protection of the Geneva Conventions.

This means, as Senator Fulbright of Arkansas observes: "Irrespective of the nature of the conflict which gives rise to his imprisonment a captor should be mindful, in the words of the Convention, that a prisoner is in the hands of a detaining power 'as a result of circumstances independent of his own will.' He should, as recited in the International Red Cross Conference resolution, be promptly identified; afforded an adequate diet and medical care; permitted to communicate with other prisoners and with the

exterior; promptly repatriated if seriously sick or wounded; and at all times be protected from abuse or reprisals. And, as specifically prescribed in the Convention, a neutral intermediary such as the International Committee of the Red Cross should be afforded free access to prisoners of war and their places of detention."

Demonstrations that call for the precipitate flight of U.S. forces from Vietnam give no thought to the plight of those left behind—including U.S. prisoners of war.

LEGAL SERVICES SUPPORTED BY  
MASSACHUSETTS GOV. FRANCIS  
SARGENT

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. MORSE. Mr. Speaker, the distinguished Governor of the Commonwealth of Massachusetts, Francis W. Sargent, recently announced his firm opposition to the Senate amendment to the OEO authorization bill, S. 3061, which would provide State veto power over activities of all legal services funded by the Office of Economic Opportunity.

The legal services program has, in my view, been one of the best to come out of OEO, and it has been strongly supported by the President and the American Bar Association. As OEO Director Rumsfeld said:

The legal services program has come to symbolize much of the mission of this agency; justice for the poor, and orderly institutional change within the framework of the legal system.

In addition to providing a vehicle to assist the poor the service has given many intelligent and concerned young lawyers the opportunity to know the challenge of practicing poverty law, and their interest in turn has sparked new concerns about the framework of institutional care and provision for the poor who, in our society, the traditionally urged to work within the law.

I share the concern of Governor Sargent who believes that the Murphy amendment would seriously weaken the effectiveness of the legal services program by placing a final veto over the lawyer's role as both an officer of the court and an advocate for his client when his action is deemed to be in conflict with the State position. In view of the significance of the views of the Governor of Massachusetts, I insert them in the RECORD at this point for the attention of my colleagues:

I join with both our distinguished Senators, the Director of OEO Mr. Donald Rumsfeld, and the American Bar Association in urging that every effort be made to defeat this amendment in the House of Representatives. I strongly endorse the concept of "New Federalism" advocated by our President. To me, this means a true partnership between the federal and state government. However, this partnership should not mean the usurpation of power by states beyond the proper balance.

I do not believe that Governors should have final line item veto over OEO Legal Service Programs. This would seriously ham-

per the reviewing power by the Director of the Office of Economic Opportunity, and I believe it would jeopardize the effectiveness of the program.

It is essential that poor people be afforded full and unhindered representation now available to persons who can afford counsel. They are entitled to aggressive and effective advocacy, even in actions against Governmental agencies when their constitutional rights are involved. Although Governors generally seek more power, and during these times require more authority, such power in this instance would have an adverse effect on legal services to the poor.

RHODESIA: CONTINUING THE  
DEBATE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. ASHBROOK. Mr. Speaker, on November 18 several Members joined with me to discuss the question of Rhodesia and the ramification of U.S. policy toward this newly independent nation. Discussion of this topic is timely for several reasons. First, November 11 marked the beginning of the fifth year of declared independence; second, several important industries here in the United States are facing increasingly severe hardships because of sanctions against Rhodesia; and third, the Subcommittee on Africa of the House Foreign Affairs Committee recently investigated the sanctions and facets of the Rhodesia question.

Today, to add further information to the remarks of last Tuesday and to continue debate, I insert into the RECORD a statement of commentary prepared by the Rhodesian Information Office. This commentary is directed at what the office has been informed are letters that are being issued by the Department of State presenting the position of the Government and justification for stated position.

The commentary, including the prefacing paragraph explaining the occasion of its publication follow:

U.S. RHODESIA POLICY: A COMMENTARY ON  
OFFICIAL ATTITUDES

The Rhodesian Information Office has been made aware from time to time of the contents of a State Department letter addressed to American citizens (including members of the Congress (who enquire into the motivations of official policy towards Rhodesia. The rationalisation offered in the letter is open to serious challenge on a number of grounds. It is the purpose of this publication to comment on the letter section by section in order to provide concerned Americans with another side of the Rhodesia story.

The State Department's position is set out in italics. The comments of the Rhodesian information office follow in regular type.

*"The United States supports the United Nations and the United Kingdom in their continuing efforts to restore constitutional authority in Southern Rhodesia."*

There is neither U.N. Charter authority nor precedent for the United Nations to take coercive action to restore what is described as "constitutional authority" in any national situation or in any situation in which a colonial territory asserts its independence

from a colonial power. These are questions which are essentially within the domestic jurisdiction of a state and therefore immune from intervention by the United Nations. (Article 2, paragraph 7 of the United Nations Charter.)

Many countries today enjoying full membership in the United Nations have governments which came to power by rebellion, coup d'etat or other unconstitutional action. Historically the United States achieved its independence in this way. In a listing of 42 African governments in January 1969 "African Report" notes that 14 of them came to power by military coup or other unconstitutional means. None of them is subjected to hostile action or international disability on that account. Recently the constitutional government of Libya was overthrown by an act of rebellion. The new government was quickly recognised by the United States and other countries. No question of restoring the constitutional authority of the former government arose.

The present Rhodesian Government has exercised effective authority over the country before and for four years since its declaration of independence. It is more than a year since Rhodesia's independent judiciary declared that Mr. Ian Smith's Government must be regarded as the "de jure" Government of Rhodesia.

Senator Cranston, introducing in the Senate in May of this year a resolution dealing with U.S. recognition policy, pointed out that "the original American doctrine of recognition was quite simple. During the Jeffersonian era and up to the end of the 19th century, we used fairly objective tests in determining whether to recognise a new government. We merely ascertained whether or not it existed and was capable of sustaining itself. This policy (reflected) a belief that we had no right to interfere in the internal affairs of other nations."

*"The basis of our support (for the United Nations and the United Kingdom) is our concern for the threat to the peace in southern Africa posed by the denial of political rights to the 4.4 million Africans who comprise some 94 per cent of the territory's population. The present regime in Southern Rhodesia not only denies the African majority an effective voice in government but has proposed a constitution which seeks to perpetuate white minority rule and institutionalise racial separation."*

There is no denial of political rights to Rhodesia's African population. Under the 1961 and 1965 constitutions there is a non-racial qualified franchise providing equal opportunities for all citizens to qualify and register as voters. Most of the more stable democracies have evolved through a qualified franchise, and it is perhaps worth recalling that at the time of America's independence about six per cent of the white population voted. (There was no question of extending the franchise to include black or Indian Americans.)

Rhodesia's proposed new constitution does not seek to perpetuate white minority rule. It provides for an immediate increase in black representation in the legislature (approximately doubling the present representation) and a progressive extension of this representation, based on income tax contributions to the national exchequer, until parity with white representatives in the legislature is reached.

"U.S. News and World Report" noted in January 1967 that at least 37 member nations of the U.N. had governments based on minority rule and at least 25 other members were open to suspicion in this respect. Fewer than half of the U.N. members had governments clearly based on majority rule.

As to the suggestion that Rhodesia's new constitution will "institutionalise racial separation", it is of interest to note that Prime Minister Ian Smith has described it as "a

multi-racial set-up in a multi-racial country." It is a fact that the proposed new constitution provides for the separate representation of the races in Parliament and for a basic division of land between the races. This may offend integrationist sentiment but is hardly a justification for offensive international action conceived as a penalty for aggression. The reservation of tribal lands is not unknown in the United States. Moreover, according to the Washington Post, a representative meeting of American Indians at Denver last August decided that they "want the right to be Indians, to preserve their tribal identities and tribal lands, to make their own mistakes, to have a say about their destiny." The separatist elements in Rhodesia's constitution stem from an acknowledgment of the same instincts in Rhodesian society.

The suggestion that Rhodesia's domestic policies constitute a threat to the peace in southern Africa cannot be regarded as a serious proposition. Mr. Dean Acheson describes it as reasoning worthy of the Red Queen in "Through the Looking Glass". "Rhodesia", he says, "in doing what the U.N. has no jurisdiction to forbid, annoys African members to the point where they may transgress against the first commandment of the U.N. (Chapter 1, article 4):

"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."

"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 and Harold Wilson."

Mr. Charles Burton Marshall, Professor of International Politics at Johns Hopkins School of Advanced International Studies, takes a similar view. He points out that Rhodesia has done literally nothing except sever its connection with the British Government. Mr. Marshall says that "this, while rebellion, is certainly not aggression. Rhodesia has made no attack or threat of attack against anyone."

Mr. Marshall's research of the United Nations record reveals that the original British resolution calling for mandatory sanctions against Rhodesia did not contain any finding of a threat to the peace, although such a finding is an essential condition for the imposition of sanctions. When the omission was pointed out, the desired conclusion was inserted without any supporting facts. Supporters of the U.N. position take refuge in the argument that the existence of a threat to the peace may not be questioned once the Security Council has made that determination. Professor Marshall asks if it is enough to stop criticism of a pie to say that a baker made it.

Dr. Walter Darnell Jacobs, Associate Professor of Government and Politics at the University of Maryland, concludes in an article in "World Affairs" (April/June 1967) that "Rhodesia, whatever her sins and shortcomings, cannot be said to represent a threat to the peace."

In spite of the danger of terrorist incursions over her northern border, Rhodesia spends a smaller proportion of her national income on defence than most countries. This is revealed in an analysis published in Britain by the Institute for Strategic Studies in September 1969. Rhodesia's 1968/69 expenditure of 1.9 per cent of gross national product is lower than all but a handful of the fifty-two nations enumerated. Britain's expenditure is 5.3 per cent of G.N.P. The

United States and Russia both exceed 9 per cent.

The Organisation of African Unity (representing underdeveloped countries generally in receipt of foreign aid) is reported to have allocated over a million dollars in its current budget to equip guerrilla fighters for subversive operations in and against southern Africa, notwithstanding that the U.N. Charter enjoins member nations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state."

Clearly Rhodesia represents no threat to the peace. Equally clearly the United Nations Organisation, if it is mindful of its Charter principles, has a plain responsibility to restrain the Organisation of African Unity and its members from initiating and subsidising forceful attempts to overthrow the government of Rhodesia.

An alternative and devious presumption suggests that the "threat of the peace" in Rhodesia derives from the danger of an internal upheaval in the country that would have repercussions outside its borders. It might be noted in passing that the same consideration has not been applied to Nigeria, which remains immune from U.N. intervention notwithstanding that for the past two years she has been experiencing a real and not merely presumptive internal upheaval. There has been a death toll in excess of a million and a half people but no threat to the peace has been inferred.

Many recent visitors to Rhodesia have testified to the country's conspicuous tranquillity, to the absence of racial tension, to the fact that Rhodesia's unarmed police force is seldom seen and even more rarely needed. The Nigerian Editor-in-Chief of the Lagos Daily Times has said that the overseas picture of Rhodesia as a grim, tense, police state is "a massive fraud."

South African liberal Laurens van der Post, who visited Rhodesia since independence with what he described as "a profound emotional and intellectual bias towards finding nothing but evidence of impending Greek tragedy," found nothing to substantiate his apprehensions. Instead he found "a general preference among them (black Rhodesians) for an evolutionary rather than a violent revolutionary change of Rhodesian society."

Congressman John Ashbrook and two American colleagues who visited Rhodesia in 1966 found that the Rhodesian Government commanded "the virtually unanimous support of the white population" and the respect of a preponderance of the Africans;" also that "the tell-tale signs of racial tension are nowhere to be seen." They concluded that "American policy on Rhodesia represents the triumph of ideology over actuality."

In a letter to the Washington Daily News on December 23, 1966 Mr. Frank Johnson of the American Security Council refers to a cartoon implying that Rhodesia is an oppressive white police state. He writes: "I have just returned from a visit to Rhodesia and can personally vouch that the contrary is true. The few people to be seen on the streets are black as well as white, and none carry guns. Ian Smith drives his own car, has no bodyguard and is quite careless of the most elementary personal security. Perhaps one of the most impressive testimonials of African support for the Smith Government is the fact that communist-trained terrorists entering the country from Zambia are either killed or reported to the border guards by the local African population."

Another testimonial of black Rhodesian support for the Rhodesian Government is contained in a statement issued November 2, 1966 by the Council of Chiefs, recognised traditional leaders of tribal Africans under the British approved 1961 constitution. Part of the statement reads: "We wish to state quite clearly that we support the Govern-

ment of Rhodesia and we do not accept the claim by the British Prime Minister that he has continuing responsibility and authority for and over our people through the Government and Parliament of the United Kingdom."

In January 1967 veteran Chief Simon Sigola sent letters to U.N. Secretary-General U Thant, President Johnson and President de Gaulle inviting them to visit Rhodesia to see for themselves that it is not "a bad country and a threat to the peace."

Militant leaders of the Organisation of African Unity have expressed disappointment at the apathy and lack of co-operation shown by black Rhodesians towards "freedom fighters" come to "liberate" them. Zambian Foreign Minister Reuben Kamanga was quoted as saying in April 1968—"Reports reaching us indicate that the Rhodesian African masses are accepting the Smith regime." In reporting this statement an AP correspondent noted that "Africans in Rhodesia have been relatively prosperous and their lack of enthusiasm for an anti-white revolution probably grows out of a desire to be left in peace to attend to their own affairs."

"The United States has supported a variety of peaceful measures designed to influence the Smith regime to change its policies and move towards majority rule. The United States voted for the Security Council's resolution of November 12, 1965, which condemned the illegal Smith regime. It also supported the Council's resolutions of December 16, 1966 and May 29, 1968, which called on all member nations to impose economic sanctions against Southern Rhodesia. Executive orders were subsequently issued to carry out the mandatory provisions of those two resolutions with respect to the United States."

It is open to very serious question whether it is a legitimate objective of national policy to seek by coercion to change the purely domestic policies of another country. Senator Cranston quotes with approval Daniel Webster:—"From President Washington's time down to the present day it has been a principle, always acknowledged by the United States, that every nation possesses the right to govern itself according to its own will, to change institutions at discretion, and to transact its business through whatever agents it may think proper to employ."

There may be some who are willing to overlook a want of principle in public policy provided that it effectively serves an expedient purpose. Rhodesia policy is deficient on both counts.

In his book "The Discipline of Power" former Under Secretary of State and U.N. Ambassador George Ball shrewdly perceives the futility of sanctions, describing them as "a romantic delusion." "In the modern world," he says, "sanctions are not likely to work even when the siege of an economy is enforced by military power. Where military power is not employed and the enforcement of an embargo depends merely on the agreement of nations—whether or not expressed in a United Nations resolution—the result will more likely be annoyance than hardship. As disappointing as it may be to admit it, the siege of an economy is never total, the options of the beleaguered party are too broad, and the psychology of the besieged is too perverse and complex to make such sanctions more than a blunt instrument."

Reporting from Rhodesia, Mr. Ray Vicker confirms Mr. Ball's judgment in a recent issue (September 11, 1969) of The Wall Street Journal:—"What happens when the United Nations leads a world-wide economic boycott of a little country with only 4.8 million people? If the country is Rhodesia, it has the biggest boom in its history, with a net inflow of new settlers, an economic revolution that launches dozens of new industries,

sets off a bolsterous stock market advance, and strengthens wills all around. That's the picture that emerges after talks with dozens of government figures, business men, bankers, farmers and ordinary citizens in this ruggedly individualistic land."

Mr. Vicker notes that U.S. support for sanctions is forcing American chrome buyers to deal with Communist Russia at prices 50 per cent higher than Rhodesian chrome. (Rhodesian chrome mines, possessing the free world's largest supply of high grade ore, are owned by American corporations now forbidden either to finance or export their production.)

The conclusion is inescapable that sanctions against Rhodesia have had a bizarre effect from the viewpoint of the sanctioners. Whilst consolidating political support behind Mr. Smith's government they have somewhat discouraged the inflow of investment capital and thereby diminished job opportunities for black Rhodesians.

*"The United Kingdom considers the territory of Southern Rhodesia to be in a state of rebellion and the United Nations has declared the Smith regime to be illegal. Not a single country has accorded recognition to the regime, and the continuing sovereign authority of the United Kingdom in Southern Rhodesia is universally recognised."*

This is repetitive.

In addition to the comments made earlier, which include reference to the Rhodesian High Court's finding in September 1968 that Mr. Ian Smith's government must be regarded as the legitimate government of Rhodesia, it is worth noting that the Chief Justice concluded that he could "now predict with certainty that sanctions will not succeed in their objective of overthrowing the present government and of restoring the British government to the control of the government of Rhodesia."

In July 1968 Mr. Thomas McElhiney, a Senior State Department official, was asked in testimony before the Senate Foreign Relations Committee if he believed that the latest round of U.N. sanctions directed against Rhodesia would have more success than past efforts. Mr. McElhiney replied that he did not think there was likely to be any added effect "in the sense of forcing the present Rhodesian regime to come to terms with the British, which is the object of the sanctions."

Subsequent events have confirmed these judgments, and there can be no reasonable doubt that, four years after its declaration of independence, the Rhodesian government satisfies internationally accepted criteria for the recognition of governments holding office in these circumstances.

Testifying before the Senate Foreign Relations Committee on June 17, 1969 Mr. Adrain Fisher, Dean of Georgetown University Law Center, expressed the relevant rule of law as follows:

*"So that is the situation you normally deal with when you have a recognition of a new government, and that (Mr. Chairman) only requires a determination that the regime is in control of the territory and population, or a substantial portion of it, and it has a reasonable likelihood of retaining control either of the part already in control or of the entire state."*

It is of interest also to note that on September 25, 1969 the United States Senate resolved by a vote of 77 to 3 "that it is the sense of the Senate that when the United States recognizes a foreign government and exchanges diplomatic representatives with it, this does not of itself imply that the United States approves of the form, ideology or policy of that foreign government."

In commenting this resolution to the Senate on May 27, 1969 Senator Cranston spoke as follows:

*"And in the end the policy of nonrecognition is doomed to failure. It did not deter*

Japan. It did not isolate the Soviet Union. It has not isolated Red China. All too often it has tended to isolate us as much as, or more than, it has isolated various regimes we have not approved. It has never really succeeded in bringing hostile regimes either down or to terms. Often nonrecognition actually strengthens a regime it is supposed to weaken, causing the people to rally to the support of their government against the apparent threat posed by hostile foreign powers."

*"The Smith regime represents an attempt by a minority to maintain its control over the great majority of the population. The question is not the right of Southern Rhodesia to independence and self-government, but whether a small minority should be allowed to prevent the achievement of these objectives for all the Rhodesian people. Current British proposals to end the impasse provide for British recognition of Southern Rhodesia independence under the present leadership, provided there are effective guarantees of unimpeded progress toward eventual majority rule. The regime has so far rejected these terms."*

This is largely repetitive.

It is true that no agreement has been reached between the British and Rhodesian governments. The Rhodesian government considers that the British government has declined its reasonable proposals for a solution of the conflict between them. It has now decided, following a referendum, to proceed with the implementation of new constitutional proposals which will lead not to majority rule but to parity between the races in the legislature.

*"Repressive legislation adopted by the Smith regime to bolster its position, such as that authorizing the arrest and detention of political opponents without benefit of bail or trial, creates its own climate for violence. African nationalist groups, denied peaceful political expression within the colony, are increasingly inclined to resort to more violent methods, including the infiltration into Southern Rhodesia of guerrilla bands."*

The methods used by states to protect themselves against subversion do not constitute grounds for taking punitive action against them. Many countries enjoying United States recognition resort to the practices mentioned. In some of these countries the government uses its powers to punish political nonconformity. This is not the position in Rhodesia. Persons are only detained or restricted if the government is satisfied beyond any reasonable doubt that they are prepared to resort to violence in order to achieve political objectives. Provision is made for regular review of these cases, and there has been a progressive reduction in the number of persons held in detention or restriction over the past four years.

There is an active parliamentary opposition, and there is no impediment to the formation of political parties with lawful objectives.

There have been terrorist incursions over Rhodesia's border in recent years with substantial communist backing. The terrorists have received no support from the local population, which has rather cooperated with government security forces in combating the intruders. This may account for a sharp decline in guerrilla activity. There have been no significant incursions for the past twelve months.

*"We see no present direct communist threat to Southern Rhodesia, but we believe that the rebel regime, by seeking to perpetuate minority rule, creates conditions under which extremism, including communist influence among anti-regime groups, is almost certain to increase."*

Whilst the compilers of the statement may not see any present direct communist threat to Rhodesia, other observers can. In 1968 military journalist Colonel Daniel T. Brigham

was invited by the American-African Affairs Association to conduct an investigation into the nature, extent and origins of terrorist activity in southern Africa. Colonel Brigham carried out an intensive six-week survey of the terrorist fronts in Mozambique, Malawi, Rhodesia, Botswana and the Caprivi Strip of South-West Africa. He interviewed scores of officials, prisoners and others in possession of relevant information. His report, published by the Association in February 1969 under the title "Blueprint for Conflict", says:

"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."

The London Sunday Telegraph's Close-up Team of investigators, after completing a similar intensive survey, reported (April 1969) that "many of the so-called liberation movements are now largely controlled by the communist powers, and in many cases riddled with Communist party members. Guerrillas are armed with the Russian designed Kalashnik or AK 47 automatic rifles; they are steeped in the revolutionary war theories of Peking or Moscow." The report goes on to refer in detail to the guerrillas' communist affiliations.

U.S. military historian Brigadier General S. L. A. Marshall has pointed out (June 1969) that the small arms of the terrorists "are identical with what our troops are up against in Southeast Asia. Most are of Chinese Communist manufacture. Some are of Soviet make."

Mr. Dean Acheson has criticised (April 1969) "hostile harassment with our help of three friendly countries in southern Africa." "These countries," says Mr. Acheson, "were our allies in two world wars. Today with the Russian Navy in the eastern Mediterranean and the Indian Ocean they are more important to us and, as President Banda keeps telling his sub-Saharan black neighbors, more important to them than all the rest of Africa put together."

It is not unnatural that there should be communist influence in extremist groups seeking to overthrow western aligned governments. It may perhaps be questioned whether that is a good reason for the United States

to offer the governments concerned a hostile confrontation.

"We feel a continuation of the present situation is likely to exacerbate racial tensions throughout southern Africa. The attempt by a racial minority to institutionalize and perpetuate its domination over the majority of Rhodesians threatens to lead to chaos and civil strife. Such violence might spread across international boundaries and involve other parties, including extremist elements on both sides. This would be a serious blow to African development and to world peace and security."

Unsubstantiated forecasts of future turmoil within the boundaries of a foreign country cannot by any stretched interpretation of international law or practice be held to justify coercive action against that country to compel a change in its political structure or government.

As to the validity of the forecast itself, it is possibly relevant to note once again the manifest evidence of racial harmony in Rhodesia, where not more than 35 lives have been lost in civil riot since the beginning of the century. (43 lives were lost in a few days of rioting in Detroit in July 1967). By any pragmatic test racial tensions in Rhodesia are minimal.

Mr. Ray Vicker, reporting from Rhodesia in *The Wall Street Journal* (September 22, 1969) shrewdly observed that "African nationalism never was a widespread yearning for the liberty from black Africa's 230 million people. Rather it was the creation of Africa's thin stratum of Western educated intellectuals, a group never more than a tiny fraction of the total population."

It may be worth recalling in conclusion that several of America's leaders have acknowledged the diversity of political institutions across the world and have evinced a spirit of tolerance towards them. President Kennedy considered that "It is a mistake for the United States to fix its image of Africa in any single mold." President Eisenhower believed that "there is no single, best way of life that answers the needs of everyone, everywhere." President Johnson declared that "in Africa and Asia . . . we seek not fidelity to an iron faith but diversity of belief as varied as man himself."

In his Inaugural Address President Nixon spoke as follows:

"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."

## SOLID SUPPORT FOR PRESIDENT

### HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. ZION. Mr. Speaker, back home in Indiana, President Nixon has more support now than he did a year ago, the *Washington Daily News* tells us.

The News points out that a poll in Vanderburgh County indicates solid support not only for the President, but also for his Vietnam policies.

The News said:

#### NIXON GAINS

President Nixon has more support now than he did a year ago, a poll in Vanderburgh County, Indiana—a weather vane in all but one presidential election since 1892—indicates.

Of 166 voters polled, 103 voted for Mr. Nixon last year and 110 said they would vote for him now. Of 63 who voted against him last year, only 46 would still oppose him.

As to his speech on the war: 135 said they are against immediate withdrawal from Vietnam, with 24 in favor; seven undecided.

## CONGRESSWOMAN SULLIVAN INTRODUCES BILL FOR STANDBY POWERS TO REGULATE ALL FORMS OF CREDIT, INCLUDING BUSINESS CREDIT

### HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mrs. SULLIVAN. Mr. Speaker, I have today introduced a bill (H.R. 14954) to give the President the power on a standby basis to order Federal regulation of rates and terms of any or all forms of credit transactions whenever he determines "that such action is necessary or appropriate for the purpose of preventing or controlling inflation generated by the extension of credit in an excessive volume."

This is a very far-reaching bill. It is not confined just to regulation of consumer credit, such as was covered by the Federal Reserve's Regulation W under an Executive order of President Franklin D. Roosevelt during World War II or under a provision of the original Defense Production Act of 1950 during the Korean war. This bill applies instead to all forms of credit, including business credit and so-called commercial paper—which is not now subject to any form of Federal regulation whatsoever.

By coincidence, Secretary of the Treasury David M. Kennedy was quoted in this morning's *Washington Post* as having told Norman Kempster of *United Press International* that it may be necessary to give the Federal Reserve "standby power" to regulate consumer credit if a proliferation of credit cards and other credit devices threatens to defeat efforts to control inflation. The Secretary has never asked for such legislation, and my efforts to get him to endorse the idea of standby consumer credit controls were unsuccessful during hearings of the Committee on Banking and Currency last June on the prime interest rate.

Ever since coming to Congress in January of 1953, I have been on record for the existence of standby powers in the Federal Government to impose limitations—when economic conditions warrant—on the terms of consumer credit. I felt it was a mistake for Congress in 1951 to repeal the provision of the Defense Production Act of 1950 authorizing the use of consumer credit controls in times of national emergency and inflationary danger.

CONSIDERATION BY COMMITTEE ON BANKING AND CURRENCY

Repeatedly in recent years, during hearings of the Banking Committee on legislation to amend and extend the Defense Production Act, I brought up this issue, and in 1966, a majority of the Members of the Committee on Banking

and Currency agreed to an amendment jointly sponsored by Congressman HENRY S. REUSS of Wisconsin and I to restore standby consumer credit controls to the act. But our committee amendment was defeated on the House floor that year. One of the reasons it was defeated was that we had held no hearings specifically on this proposal.

The following year, therefore, in introducing H.R. 11601, the bill which became the Consumer Credit Protection Act of 1968, and which contains the Federal Truth in Lending Act, I included a provision for standby controls over consumer credit, in order to make sure that there will be hearings on this issue. However, few of the witnesses favoring truth in lending or other provisions of H.R. 11601 would support inclusion in the same legislation of the very controversial subject of consumer credit controls. They frankly stated that they feared it would jeopardize passage of the truth in lending law, which then had its first real chance of passage by Congress after 7 years of bitter debate. And so I agreed to take the credit controls feature out of the bill we were working on, and which became Public Law 90-321.

But this year, once again, I renewed the drive to bring this important question to the fore. Unlike the circumstances when I had previously brought up the subject of standby controls over consumer credit as an anti-inflationary weapon, we were actually in a serious inflation in June of this year when the committee held hearings on the prime interest rate and we were discussing possible solutions for the record-high interest rate levels and the effects they were having on homebuying, small business, college tuition loans, State and local governments, and other big areas of demand for credit at reasonable rates of interest.

TREMENDOUS EXPANSION IN USE OF COMMERCIAL PAPER

By then, however, a new factor had entered the picture—the tremendous increase in business demand for credit, and the proliferation of a new business credit tool, so-called commercial paper, which is, as I said, not regulated in any way by the Federal Government.

Federal Reserve Board Chairman William McChesney Martin conceded during those hearings the desirability of a careful study of the impact on the inflationary situation of commercial paper, and the possible need for some sort of Federal regulation. Mr. David Rockefeller, chairman of the board of Chase Manhattan Bank, also conceded under my questioning that this type of unregulated credit could get out of hand, although he felt it had not done so by then.

The thoughtful answers of Mr. Martin and Mr. Rockefeller to my questions about commercial paper, and the information we developed in our hearings generally on the inflationary demand for business credit regardless of the rates charged, led me to develop legislation which would authorize the President—when economic conditions so demanded—to order the Federal Reserve to regulate some, or all, forms of credit in this country. If that inflationary point has not yet been reached, it is certainly

a grave possibility, because interest rates are continuing at record levels and inflation rolls onward. Secretary Kennedy's remarks today reveal that the Administration is more worried now about credit proliferation than it had ever before acknowledged itself to be.

**GOVERNMENT DARE NOT REMAIN HELPLESS**

All of these things have reinforced my view that the Federal Government must not sit helplessly by while private economic interests take steps and make decisions which threaten our national stability. But in the credit field, the only power the Government has is the power to ration credit by price alone—by high interest rates. This policy has destroyed the homebuilding industry in this country, and undermined our efforts to provide new or rehabilitated housing for moderate- and low-income families despite the availability of Federal subsidies for this purpose. The subsidies cannot possibly meet the gap between the present cost of mortgage money and the amount the families which we want to help can themselves afford to pay in the amortization of their loans.

The middle-income family, which generally needs no subsidy and asks none, is now priced out of the housing market entirely by today's high interest rates.

**AMERICAN PEOPLE WILL ACCEPT NECESSARY ECONOMIC RESTRAINTS**

Must we wait for inflation to change into recession before we awaken to what we should have been doing right now to meet this serious danger to our economic well-being? If we have a sharp downturn, many people will ask why we allowed credit inflation to get so out of hand that widespread unemployment, business failures, and economic collapse were the inevitable result.

Imposition of controls on consumer credit undoubtedly would inconvenience a lot of people—businessmen and consumers. To have to pay one-third down on a color television set, for instance, and pay off the debt within 18 months—as Regulation W required on most consumer transactions during World War II and the first year of the Korean war—might be hard for many prospective customers to do. But if such terms were imposed in the present circumstances, under the authority of the bill I have just introduced—and I have no idea what, if any, credit restrictions the Federal Reserve might impose if the day arrived when controls became imperative to control inflation generated by the extension of credit in an excessive volume—I am sure most Americans would be willing to forego or postpone some unnecessary purchases for the time being—rather than risk having their employment wiped out by a recession coming on the heels of rampant inflation.

If business borrowings were to be limited under this bill, many businessmen would be indignant, I am sure. But I am also sure that most businessmen believe wholeheartedly in the competitive free enterprise system and would abide by restrictions imposed on their expansion, if the national interest demanded such temporary restrictions.

**TEXT OF CREDIT CONTROL ACT**

Mr. Speaker, I submit herewith the text of H.R. 14954 as follows:

[91st Cong., first sess.]

H.R. 14954

(In the House of Representatives, November 24, 1969, Mrs. Sullivan introduced the following bill; which was referred to the Committee on Banking and Currency)

A bill to authorize standby credit controls

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. Short title**

This Act may be cited as the Credit Control Act.

**SEC. 2. Definitions and rules of construction**

(a) The definitions and rules of construction set forth in this section apply to the provisions of this Act.

(b) The term "Board" refers to the Board of Governors of the Federal Reserve System.

(c) The term "organization" means a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

(d) The term "person" means a natural person or an organization.

(e) The term "credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(f) The term "creditor" refers to creditors who regularly extend, or arrange for the extension of, credit, whether in connection with loans, sales of property or services, or otherwise.

(g) The term "credit sale" refers to any sale with respect to which credit is extended or arranged by the seller. The term includes any contract in the form of a bailment or lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the property and services involved and it is agreed that the bailee or lessee will become, or for no other or a nominal consideration has the option to become, the owner of the property upon full compliance with his obligations under the contract.

(h) The terms "extension of credit" and "credit transaction" include both loans and credit sales.

(i) The term "State" refers to any State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States.

(j) Any reference to any requirement imposed under this Act of any provision thereof includes reference to the regulations of the Board under this Act or the provision thereof in question.

**SEC. 3. Regulations**

The Board shall prescribe regulations to carry out the purposes of this Act. These regulations may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Board are necessary or proper to effectuate the purposes of this Act, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

**SEC. 4. Determination of interest charge**

(a) Except as otherwise provided by the Board, the amount of the interest charge in connection with any credit transaction shall be determined as the sum of all charges, payable directly or indirectly to the person by whom the credit is extended in consideration of the extension of credit.

**SEC. 5. Authority for institution of credit controls**

(a) Whenever the President determines that such action is necessary or appropriate for the purpose of preventing or controlling inflation generated by the extension of credit

in an excessive volume, the President may authorize the Board to regulate and control any or all extensions of credit.

(b) The Board may, in administering this Act, utilize the services of the Federal Reserve banks and any other agencies, Federal or State, which are available and appropriate.

**SEC. 6. Extent of control**

The Board, upon being authorized by the President under section 5 and for such period of time as he may determine, may by regulation

(1) require transactions or persons or classes of either to be registered or licensed.

(2) prescribe appropriate limitations, terms, and conditions for any such registration or license.

(3) provide for suspension of any such registration or license for violation of any provision thereof or of any regulation, rule, or order prescribed under this Act.

(4) prescribe appropriate requirements as to the keeping of records and as to the form, contents, or substantive provisions of contracts, liens, or any relevant documents.

(5) prohibit solicitations by creditors which would encourage evasion or avoidance of the requirements of any regulation, license, or registration under this Act.

(6) prescribe the maximum amount of credit which may be extended on, or in connection with, any loan, purchase, or other extension of credit.

(7) prescribe the maximum maturity, minimum periodic payments, and maximum periods between payments, which may be stipulated in connection with extensions of credit.

(8) prescribe the methods of determining purchase prices or market values or other bases for computing permissible extensions of credit or required downpayment.

(9) prescribe special or different terms, conditions, or exemptions with respect to new or used goods, minimum original cash payments, temporary credits which are merely incidental to cash purchases, payment or deposits usable to liquidate credits, and other adjustments or special situations.

**SEC. 7. Reports**

Reports concerning the kinds, amounts, and characteristics of any extensions of credit subject to this Act, or concerning circumstances related to such extensions of credit, shall be filed on such forms, under oath or otherwise, at such times and from time to time, and by such persons, as the Board may prescribe by regulation or order as necessary or appropriate for enabling the Board to perform its functions under this Act. The Board may require any person to furnish, under oath or otherwise, complete information relative to any transaction within the scope of this Act including the production of any books of account, contracts, letters, or other papers, in connection therewith in the custody or control of such person.

**SEC. 8. Injunctions**

Wherever it appears to the Board that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation under this Act, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the Board, any such court may also issue mandatory injunctions commanding any person to comply with any regulation of the Board under this Act.

**SEC. 9. Civil penalties**

(a) For each willful violation of any regulation under this Act, the Board may assess upon any person to which the regulation

applies, and upon any partner, director, officer, or employee thereof who willfully participates in the violation, a civil penalty not exceeding \$1,000.

(b) In the event of the failure of any person to pay any penalty assessed under this section, a civil action for the recovery thereof may, in the discretion of the Board, be brought in the name of the United States.

#### SEC. 10. Criminal penalty

Whoever willfully violates any regulation under this Act shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

#### DISCUSSION WITH SECRETARY KENNEDY ON NEED FOR STANDBY CONSUMER CREDIT CONTROLS

Next, Mr. Speaker, I submit as documentation and background for this legislation the relevant pages of the hearings of the House Committee on Banking and Currency in June on the prime interest rate, when Secretary of the Treasury David M. Kennedy was asked to discuss the issue of standby consumer credit controls, as follows:

#### EXCERPT FROM HEARINGS OF THE HOUSE COMMITTEE ON BANKING AND CURRENCY, INVESTIGATION OF INCREASE IN PRIME INTEREST RATE, JUNE 19, 1969

Mrs. SULLIVAN. Thank you, Mr. Chairman. I have a series of questions, the answers to which may well extend beyond my allotted 5 minutes, and I know they are not simple to answer, but I would like to get these questions in the record and have the witness answer them briefly now, and then more fully in the record when you go over the transcript, if that is all right, Mr. Chairman.

The CHAIRMAN. Certainly.

Mrs. SULLIVAN. My questions deal with one aspect of this problem, the possible need for powers to regulate consumer credit in exactly the kind of period we are in right now. During World War II, and for a brief period during the Korean war, the Federal Reserve had authority to invoke regulation W limiting consumer credit terms. As I recall, the regulation required a one-third downpayment on most consumer items, and a payout period within an 18-month period. That authority does not exist today in the Government.

First, I would like to ask this of the Secretary: Do we need the authority right now to restrict the expansion and volume of consumer credit?

Secretary KENNEDY. The volume of consumer credit has not been increasing drastically, but the Federal Reserve System may want authority, and I think that is a more appropriate question to ask Mr. Martin when he appears. It is within their province and I think it is a good question.

Mrs. SULLIVAN. At what point, Mr. Secretary, and under what circumstances do you believe the Government of the United States should have the power to ration consumer credit—for nonessentials particularly—if we are in an inflationary situation as serious as the one you have told us we are in today? And if you wish, you could answer that in writing after you have given it some thought.

Secretary KENNEDY. Yes, and I would like to answer that in connection with other possible regulations that might be more appropriate than reinstatement of a regulation W.

The CHAIRMAN. Will you yield, Mrs. Sullivan?

Mrs. SULLIVAN. Yes, Mr. Chairman.

The CHAIRMAN. Word comes to me from members that they are apprehensive that they will not be reached for questioning. I would like to assure them that as far as I am concerned, we are going to stay in session here until every member has an opportunity to interrogate the Secretary.

Mrs. SULLIVAN. Thank you. I want to get this in the record, Mr. Chairman.

In 1966—and I ask your permission, Mr. Chairman, to put this background information into the record at this point—in 1966, in the report of this committee on the extension of the Defense Production Act, we recommended standby powers to invoke consumer credit controls, and in doing so we quoted the findings of the Joint Economic Committee that very high interest rates do not reduce inflationary consumer prices, but rather aggravate and increase them. What we referred to 3 years ago as very high interest rates were truly low compared to today.

Consumer credit meanwhile has expanded by 25 percent in those 3 years. In addition to that material from House Report 1411 of the 89th Congress, and two pages of the printed hearings on that legislation. I would like to incorporate in the record at this point several pages of testimony from the hearings of the Subcommittee on Consumer Affairs in 1967 on the Consumer Credit Protection Act, in which I questioned officials of the Office of Emergency Management on the provision which was then included in H.R. 11601, the consumer credit protection bill proposing standby powers to invoke consumer credit controls. This provision was subsequently dropped from H.R. 11601 and did not become part of Public Law 90-321.

This material is terribly relevant and appropriate to this hearing this afternoon. We are in a credit inflation. Consumer credit has expanded by 12 percent in just this past year, and as I said, by 25 percent in 3 years.

#### EXHIBIT A

#### EXCERPTS FROM HOUSE REPORT 1411, 89TH CONGRESS, ON H.R. 14025, DEFENSE PRODUCTION ACT EXTENSION, APRIL 2, 1966

The Committee on Banking and Currency, to whom was referred the bill (H.R. 14025) to extend the Defense Production Act of 1950, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass. The amendments are shown in the reported bill.

#### Summary of the bill, as amended

The bill extends the Defense Production Act of 1950, which otherwise expires on June 30, of this year, to June 30, 1968. This bill amends the act to include discretionary authority for the President to issue regulations to control the extension of consumer credit. It also amends the act to eliminate authorization restrictions on the expenditure of funds in connection with the operations of the Joint Committee on Defense Production.

#### EXTENSION OF EXISTING AUTHORITY

The continuation of the programs authorized in the Defense Production Act is essential to maintaining a state of preparedness to meet future emergencies. This includes power to establish priorities for defense contracts; power to allocate materials for defense purposes; authority to guarantee loans to defense contractors who need working capital or equipment for new defense production; lending and procurement authority which in the past was highly instrumental in bringing about large-scale expansion of productive capacity to meet unanticipated defense demands; authority to enable businessmen to cooperate voluntarily in meeting defense needs, with an exemption from the antitrust laws; authority to employ without compensation and when actually employed employees, including advisers and consultants, with exemption from conflict-of-interest statutes; and provisions for a reserve of trained executives to fill Government positions in time of mobilization. The act also creates the Joint Committee on Defense Production.

Some of these powers are needed to maintain production schedules on missiles and other defense contracts, some are needed for longer range preparedness programs, and other powers must be maintained in readiness

for immediate use in possible future emergencies.

#### New authority for consumer credit controls

##### The Need for This Legislation

Consumer credit has a major impact on the national economy. The level of consumer credit now stands at over \$85 billion.

In the original Defense Production Act of 1950, authority to control consumer credit was contained in title VI of the act. This authority was allowed to expire in 1953. Your committee felt that under present circumstances, particularly because of economic pressures created to a large extent by our military buildup in Vietnam, it was appropriate to provide the President with the discretionary authority to institute consumer credit controls.

One of the important aspects of any program to provide for adequate productive capacity to support the national defense is to provide for the Nation's economic security and health. Effective authority must thus be given the President to fight inflationary pressures when and if they arise.

Your committee felt that it was extremely important for the President to have a selective such as the authority to control consumer credit, so as to assure that our productive capacity will be available to whatever extent necessary to provide for our national security and defense.

#### Joint Economic Committee Recommendation

The report of the Joint Economic Committee of March 1966 aptly set forth the justification for granting this authority to the President:

"The use of general interest rate increases to fight inflation is not neutral in its effects on the economy. It tends to fall most heavily on small businessmen and on construction and other long-term investment and is not particularly effective in curbing speculative excesses.

"When businessmen begin to accumulate excess inventory because of anticipated price rises, or to overinvest in plant and equipment, their profit expectations are so high that only very large interest rate increases will deter them. In these sectors of the economy interest rate increases may have an inflationary rather than a deflationary effect. On the other hand, residential construction, which we do not want to discourage, is hit much harder by higher rates.

"This committee believes that it would be preferable to concentrate on a prudent and limited restriction of consumer credit as an alternative to general credit restraint. Consumer credit, we know, is not dependent on interest costs because consumers think primarily in terms of the periodic payment they are required to make and, within broad limits, are not deterred or encouraged by interest rate changes. \* \* \*

"An interest rate increase may actually have an inflationary rather than a deflationary effect in the consumer area. But the size of the downpayment and the extent of the repayment period, on the other hand, do affect the demand for consumer credit since they directly determine the size of the monthly payments. Temporary and limited restraint of this sector will do far less harm than the attempt to restrain inflationary pressures by general interest rate increases which are apt to hurt consumers generally, as well as laborers, farmers, and small businessmen, and to fall most heavily on the lower income groups."

#### Legal effect of section 3

Section 3 of the bill would add to the Defense Production Act an authority for control of consumer credit similar to that which lapsed on June 30, 1953. As in effect prior to that date, title VI authorized the Federal Reserve Board to control consumer credit pursuant to the terms of Executive Order No.

8843, which in turn had been issued under authority of the Trading With the Enemy Act on August 9, 1941.

Section 3 of the bill would amend the Defense Production Act by adding a new title VI authorizing the President, or any agency to which he might delegate the function, to issue regulations for the control of consumer credit. Section 3 also amends section 717 of the act so that the authority to regulate consumer credit would expire at the same time as the other substantive authority which is being extended by the bill.

As proposed to be added by the pending bill, title VI would consist of four sections. Section 601 contains the substantive grant of regulatory authority, section 602 provides investigatory and enforcement powers, section 603 makes violation of the regulations a misdemeanor, and section 604 confers power on the President to delegate his functions under the act.

Section 601 confers regulatory authority over consumer credit in broad terms. Under it, licensing and reporting requirements could be imposed if deemed necessary for effective administration. Revolving credit plans could be dealt with by setting minimum amounts or rates of repayment of outstanding balances. Authority over the terms of personal property lease and rental agreements was also included, the Federal Reserve having held that it existed under prior law because experience in World War II showed that such agreements could otherwise be employed to circumvent credit controls.

#### "Wholesale" Consumer Credit Regulation

The bill also confers a new type of authority which may be employed as a first line of defense against overexpansion of consumer credit. This is the authority to control such credit at the "wholesale" level, the advantage of this approach being that it may eliminate the need for regulation of individual credit transactions.

Paragraph (2) of section 601 would deal with intercompany transactions, as, for example, between a bank and a sales finance company. Paragraph (3) would permit controls on the proportion of the assets of a multiline lender, such as a bank, which could be devoted to the extension of consumer credit. It would appear necessary that the intercompany and intracompany controls be employed simultaneously in order to prevent the creation of serious competitive imbalances.

It should be noted that the bill is an authorization only, and does not require the imposition of any type of control. It has been couched in general terms in order to permit the regulations issued in some future emergency, whose exact contours obviously cannot now be foreseen, to be tailored to meet that situation. The alternatives to this generality appear to be either a rigid statutory scheme which in all likelihood would go far beyond the necessities of any particular situation, or on the other hand, controls so limited by their inflexibility that they might easily be circumvented and thus be ineffective to accomplish any purpose.

#### Enforcement

Section 602 authorizes the same enforcement and investigative powers as are conferred on the Securities and Exchange Commission by section 21 of the Securities Exchange Act of 1934 (15 U.S.C. 78u). That section authorizes the SEC to issue subpoenas and take testimony when conducting investigations. It also authorizes the granting of immunity from prosecution in order to compel self-incriminating testimony. Finally, the section authorizes the SEC to obtain injunctive relief against actual or threatened violations. Section 27 of the Securities Exchange Act of 1934 (15 U.S.C. 78aa) confers exclusive jurisdiction on the district courts of the United States with respect to violations of

the act and rules and regulations thereunder, as well as suits for injunctive or other relief.

Section 603 provides maximum criminal penalties of \$5,000 and 1 year's imprisonment for violation of regulations issued under the act.

#### Delegation of Functions

Plenary powers of delegation are conferred on the President under section 604. It should be noted that under this section, the function of policymaking or issuance of regulations might be delegated to one agency, while the function of administration and enforcement might be delegated to a different agency, or to several agencies on the basis of their existing jurisdiction over various types of institutions. No particular pattern of delegation is prescribed in the section, however, and the foregoing have been given by way of illustrations of possibilities rather than as suggestions of what would or should be done.

#### Title VI—Control of consumer credit

SEC. 601. To assist in carrying out the objectives of this Act, the President is authorized to issue regulations, which may include definitions of terms used in this title, to control, to such extent as he may deem appropriate—

(1) The extension of consumer credit, by means of any prohibitions, restrictions, or requirements relating to—

(A) the amounts in which and the purposes for which credit may be extended to any person,

(B) the maximum maturity or other requirements as to the repayment or liquidation of any extension of consumer credit,

(C) where consumer credit is used for the purchase of identifiable property, maximum loan-to-value ratios,

(D) the terms of any arrangement for the lease or rental of personal property, and

(E) such other elements in any extension of credit as may in his judgment require regulation in order to carry out the purposes of this title.

(2) The extension of credit to finance directly or indirectly the extension of consumer credit. Controls imposed pursuant to this paragraph may be related to the borrower's financial history, or to the lender's other loans and investments, or to such other factors as the President may deem appropriate.

(3) In the case of any lender engaged both in the extension of consumer credit and in other types of financing, the proportion of such lender's assets which may be devoted to the extension of any type of consumer credit.

This section shall not apply to extensions of credit to finance the acquisition of real property.

SEC. 602. The President shall have the same powers with respect to the administration and enforcement of this title and all regulations issued thereunder as are conferred by section 21 of the Securities Exchange Act of 1934 upon the Securities and Exchange Commission with respect to that Act and rules and regulations issued thereunder. The courts of the United States shall have the same jurisdiction with respect to matters arising under this title as is conferred upon such courts by sections 21 and 27 of the Securities Exchange Act of 1934 with respect to matters arising under that Act.

SEC. 603. Whoever willfully violates any provision of this title or any regulation issued thereunder shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

SEC. 604. The President may delegate in whole or in part any function conferred upon him by this title to any one or more officers, departments, or agencies of the United States, and may in his discretion

confer authority to redelegate any function so delegated.

*Supplemental views of the Honorable Leonor K. Sullivan, of Missouri*

The committee has taken an important step forward by recommending the restoration to the Defense Production Act of standby authority to regulate the terms of consumer credit in order to combat inflationary pressures resulting from an excessive and unstabilizing use of credit. In agreeing to this recommendation, the committee, I am sure, was not indicating either a need for immediate application of credit controls or a conviction that consumer credit is now being used to excess. However, it is essential in a period of high prices and extremely active business activity, coincident with the demands on our economy created by the fighting in Vietnam, that the President have the power to control consumer credit if that should become necessary.

It has been my feeling for some years that the Defense Production Acts should contain not only this authority but other broad standby powers which were in the act until 1953 in the areas of economic stabilization. This is not to say that wage and price controls are now needed, or desirable. Far from it. As I stated in the hearings, a proposal to impose such controls would probably not receive a single vote in the House of Representatives. While it is impossible to foresee the future, it is unlikely that such controls will become necessary again in this country short of greatly expanded warfare, considering the amazing productive capacity of our economy and its ability to provide all essential needs and limitless luxuries, as well.

It should be noted that we have assigned to the Office of Emergency Planning responsibility on a continuing basis for drafting various plans for the imposition of the kind of controls which might someday become necessary in case of any eventuality up to and including nuclear war. Unfortunately, whenever such controls might become necessary, the Congress would then have to begin to consider the authorizing legislation under the worst possible economic, emotional, and psychological conditions to achieve reasoned judgments and make intelligent decisions.

In my questioning of the Director of the Office of Emergency Planning, in the hearings on the pending extension of the act, I asked if consideration should now be given—in a calm atmosphere—to the enactment of standby stabilization powers over consumer credit and also over wages, prices, and rents, and the rationing of civilian needs, against some future catastrophe. Governor Bryant made clear that the administration is not asking for such powers in any of these fields. I believe, however, that the subject of further standby economic stabilization powers should be pursued in future hearings—making crystal clear that such a study would derive not from today's problem but from a prudent respect for future eventualities or possibilities, however remote at this moment.

LEONOR K. SULLIVAN.

#### Minority views

In this inflationary period, Congress has three basic courses of action it can take. As anti-inflationary measures it can (1) cut Federal spending, (2) increase Federal taxes, or (3) impose direct controls over the economy. We favor (1) cutting Federal spending. If we are to have (2) increase in Federal taxes, we insist that this must be accompanied by curtailment of Federal spending. We abhor (3) direct controls over the economy.

The provisions in this bill authorizing standby consumer credit controls is the first step in the direction of (3) direct controls over the economy. Is this a precursor to price and wage controls?

Why should the Congress seek to impose spending controls on the consuming public when it refuses to curtail Federal spending itself. The recently passed supplemental appropriation bill included funding of over one-quarter billion dollars of new Federal spending programs.

The administration requested a 4-year extension of the existing authorities of the Defense Production Act which expires on June 30. The committee provided a 2-year extension. We support this action.

The committee on its own added a provision giving the President standby authority for the exercise of consumer credit controls. The administration had not requested such authority. Apparently the position of the administration is that while it is not asking for such authority, it will not oppose the grant of such authority by the Congress.

This standby consumer credit control authority will be put forward as an anti-inflationary measure. It would be such if the authority was used. If the authority is not used it can have the opposite effect. If it is used by the Congress as an excuse for not curtailing Federal expenditure, inflationary pressures will continue to build in our economy. We favor curtailment of unnecessary and nonessential Government spending.

WILLIAM B. WIDNALL.  
PAUL A. FINO.  
FLORENCE P. DWYER.  
SEYMOUR HALPERN.  
JAMES HARVEY.  
BURT L. TALCOTT.  
DEL CLAWSON.  
ALBERT W. JOHNSON.  
J. WILLIAM STANTON.

#### Statement of the Honorable Paul A. Fino

I completely agree with the minority views of the standby credit control amendment, but I have a few additional thoughts of my own.

This proposal for standby controls over consumer credit is a deception. Private credit is not the root of this Nation's inflation problem. The root of that problem is public spending. The responsibility for inflation lies with the administration. There is no reason for the burden of inflation to lie on the people. On the contrary, the burden of inflation should lie hard on administration "Great Society" budgeting—I think we may blame budget expansionism for most of the inflation that is rearing its ugly head.

Standby credit controls are an attempt to use a proposed treatment of a symptom to camouflage a lack of desire to treat the underlying cause of the disease. The administration is fooling the people on what is behind today's inflation.

Today's inflation is a function of budget expansionism, and the latter is a function of the cost of the administration's multiplicity of power-grabbing "aid" programs. If these expansionist programs are cut, the tide of inflation will begin to ebb.

So I believe that budget controls and not consumer credit controls are the real economic need today. This standby credit control amendment is just another attempt to try and convince the American people that the administration is committed to tough measures to curb inflation.

The administration is committed to no such thing. They will do anything to make the budget safe for extravagance.

As far as I am concerned, the last thing we should do is to give the administration more power over the American economy. That is like giving firepower to lawbreakers. That is rewarding economic deception. I believe that deception should be exposed and eliminated. Then I think we might find that inflation—and with it the need for controls—had dropped back a few notches.

PAUL A. FINO.

#### Individual views of Hon. W. E. (Bill) Brock

The Congress should not be in the business of giving the President—any President—sweeping discretionary powers that he has not requested.

In a Congress noted for its lack of initiative on legislative matters, it is ironic that we are once again witnessing an effort by those who are frustrated by the limitations of being members of the President's party in such a Congress.

First, fearing that the war in Vietnam might jeopardize Great Society spending programs, they insisted upon increased excise, personal, and corporate taxes.

Now we see an effort to force upon the President standby credit controls.

The inclusion of this amendment, without any hearings whatsoever, abundantly proves that its sponsors have finally come around to the conclusion that our economy is in grave danger of suffering the pains of inflation caused by increased defense expenditures coupled with a fantastic binge of new domestic spending programs. I do not quarrel with their prognosis. I do, however, disagree with their treatment.

When the President wants such powers, let him ask for them. If the need is apparent, such powers could be granted by the House and the Senate within a matter of days. After all, the 89th Congress has earned itself a reputation for giving the President everything he has asked for—and then some.

The President has warned business and labor to restrain their capital investments and wage demands.

By use of stockpiles, he has already taken the first steps toward price controls.

By threatening to withhold Federal aid, he has moved in the direction of wage controls.

He has even asked the housewife to substitute ground round for top round.

With two notable exceptions, he has talked sternly to every element of our society on the dangers of inflation. Those who have thus far escaped "the treatment" are the Congress and the executive branch itself.

It's a great game. The President talks to the people. The people express their concern to Congress. The Congress tosses the hot potato back to the President. But nary a word of warning from the President to the Congress.

Nary a word about applying responsible standards of performance to our 500-plus politicians in an election year. If the people are to be called upon to exercise restraint in a difficult time, can we apply another criteria to those of us who represent them—or is a dual standard symbolic of legislative expediency?

I shall not be a party to such a shell game.

BILL BROCK.

#### EXHIBIT B

EXCERPT FROM HEARINGS OF HOUSE COMMITTEE ON BANKING AND CURRENCY, ON EXTENSION OF THE DEFENSE PRODUCTION ACT OF 1950, MARCH 29, 1966

Mrs. SULLIVAN. According to the radio reports this morning, the new Consumer Price Index will be announced today, and it will show a substantial increase for February, just as the wholesale index did, and I am sure we will begin to get requests and suggestions now that we impose some sort of controls on prices and wages.

Let me say now that I do not think such an idea at this time would get a single vote in the House. But that is not my point.

The Office of Emergency Planning is supposed to have been busy, among other things, these past 13 years, in drafting plans and legislation for economic controls if they should ever become necessary.

Have you been doing that work, and, if so,

could you tell us something about the way you have gone about this assignment?

Mr. BRYANT. I am advised that we have been—this has been done and I would like to ask Mr. Belsley to respond in particular for your information.

Mrs. SULLIVAN. I would be happy to have him do so.

Mr. BELSLEY. It has been, as you point out, the responsibility of the Office of Emergency Planning and its predecessor agencies to develop plans with respect to price, wage, and rent controls. This has been done. It is a continuing job. The plans have been made not only for conventional or limited war situations but also for nuclear war situations. I hasten to add, however, that nobody at the present time contemplates, or plans, the imposition of such controls under present conditions.

These direct controls generally are considered to be a last resort action with other steps being taken first, so that while the plans for them have been a regular part of the activities of the Office of Emergency Planning, nobody is waving them aloft or ready to impose them on the American people at the present time.

Mrs. SULLIVAN. One other question: In your opinion, do you or Governor Bryant think that we need any additional authority under the Defense Production Act at this particular time—and I stress "at this particular time"—to give the President additional powers in the area of price and wage and rent stabilization or rationing or anything of that sort?

Mr. BRYANT. We do not have at the present time legislative authority in that field, and there is no thinking in the administration of which I know that we need such authority at this time.

Mrs. SULLIVAN. You would need additional authority from Congress, of course, in order for the President to have standby powers to impose wage or price controls, so I was wondering if there was any thinking in that direction.

Mr. BRYANT. That is right. We do not have the authority to do that, and we would have to have it, but there is no present thinking that I know of to ask for it.

Mrs. SULLIVAN. Thank you.

Mr. Chairman, I have two additional questions, also on the issue of standby authority, and these relate to authority to regulate installment credit. In order to conserve time, I would like to present these questions in writing to Governor Bryant and have him supply us with the answers, if he would, for the record.

Mr. BRYANT. I would be glad to.

Mrs. SULLIVAN. Thank you.

The CHAIRMAN. Without objection, so ordered.

(The questions referred to and Mr. Bryant's reply follow:)

"Questions by Mrs. Sullivan to be answered for the record on standby authority to regulate installment credit

"Question. During World War II, we had a program of credit regulation in operation under the Federal Reserve Board, under a regulation known as regulation W. This required a one-third downpayment on installment purchases, with the term of the contract limited to 18 months, I believe, on some items, and 24 on others. It ended in the late 1940's, and I believe was not used during the Korean war—in fact, I believe the Congress prohibited its use.

"Do we need Federal regulation in this field today—I'm not talking about truth in lending, but regulation of installment terms and conditions so that credit is not used excessively to cause inflation?

"Question. Should we write into the Defense Production Act any standby authority for a new type of regulation W if something

like that should become necessary to clamp a lid on excessive use of installment credit in an inflationary situation? I am just asking for an opinion, because I know the President has not recommended any such thing and it is not pending before us. But I think we always want to analyze these things in a calm atmosphere—and not wait for some emergency in order to begin talking about it. So, on that basis, could you give us your opinion on the advisability of standby authority to regulate installment terms as an anti-inflation weapon.

"EXECUTIVE OFFICE OF THE PRESIDENT,  
"OFFICE OF EMERGENCY PLANNING,  
"Washington, D.C., March 30, 1966.

"HON. WRIGHT PATMAN,  
"Chairman, Banking and Currency Com-  
"mittee,  
"House of Representatives, Washington, D.C.

"DEAR MR. CHAIRMAN: During yesterday's hearings regarding the extension of the termination date of the Defense Production Act of 1950, as amended, Mrs. Sullivan and Mr. Reuss raised questions regarding the advisability of amending the act to provide standby authority for regulating consumer credit.

"I have some questions whether selective controls over consumer credit are appropriate to the current economic situation. They could have significant advantages, however, under two types of conditions: when military priorities clearly require a sizable diversion of resources away from consumer uses, or when inflationary pressures are strongly concentrated in consumer durable goods industries. I am not certain that we are at the point where either of these conditions is present.

"These comments do not necessarily imply that it would be undesirable for the President to have standby authority, if Congress wished to place it in his hands, which would enable him to institute such controls if and when they became appropriate. The President has not requested such authority, and I am not proposing it here. Indeed, such a request might have undesirable effects if it was misinterpreted as an indication of some intention to impose consumer credit controls.

"I greatly appreciated having the opportunity of discussing H.R. 14025 with your committee yesterday.

"Sincerely,  
"FARRIS BRYANT, Director."

EXHIBIT C

EXCERPT FROM HEARINGS OF SUBCOMMITTEE ON CONSUMER AFFAIRS, HOUSE COMMITTEE ON BANKING AND CURRENCY, ON H.R. 11601, THE CONSUMER CREDIT PROTECTION ACT, AUGUST 17, 1967

Mrs. SULLIVAN. Our next witness this morning is the Director of the Office of Emergency Planning in the Executive Office of the President, former Gov. C. Farris Bryant, of Florida, whose job it is to prepare the plans for the day we hope will never come—when the United States would again be fighting for its survival in a world war.

The legislative authority for most of the planning work done by Governor Bryant's office is the Defense Production Act of 1950—or what is left of it. This legislation comes within the jurisdiction of our committee so we have had the pleasure of having Governor Bryant testify on previous occasions.

Our reason for asking you to appear this morning is to discuss with us the position of the administration on the question of adding to our arsenal of economic defenses, in time of national emergency, the authority to establish limits on the use of extension of credit. War or the threat of war always sets off an inflationary spiral, particularly in civilian goods which would undoubtedly become scarce in time of war, and this affects the entire economy. We had credit controls during World War II, and for part of the Korean war. This committee tried last year to reestablish—not the controls—but the au-

thority for them during a national emergency. However, we were badly beaten on the House floor. One of the reasons we were badly beaten was the charge that we had not held hearings on this issue—that it was added to the bill as an amendment after the hearings ended.

We have provided such standby authority in section 208 of this bill, and now Governor Bryant, we want to go into that with you.

Statement of Hon. Farris Bryant, Director, Office of Emergency Planning; accompanied by Mordecai M. Merker, General Counsel; and Leonard Skubal, Chief, Economic Stabilization Division

Mr. BRYANT. Madam Chairman and members of the Subcommittee on Consumer Affairs, I am pleased to have this opportunity to discuss with you H.R. 11601.

The Office of Emergency Planning is involved in the development of preparedness plans and programs which are intended for use in the event of an extraordinary national emergency situation. Included in such plans is legislation specifically covering consumer credit controls. If such controls become necessary, we would submit draft legislation to the Congress.

We have taken this approach in our planning for two reasons:

(1) If consumer credit controls become necessary, a program administered by the President should have the support of the Congress, and

(2) If consumer credit controls become necessary, legislative support for such a program would have the best chance of enactment at that time.

There appears to be general legislative authority for consumer credit controls in section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b) and 12 U.S.C. 95a). I have discussed that law in some detail in my report to the chairman of the House Committee on Banking and Currency. By citing this authority I do not mean to imply that we would plan to rely upon it without further congressional action. In a most extraordinary emergency situation, however, it could be used.

Accordingly, we do not feel that more standby authority, such as section 208, is needed at this time. If, however, the Congress decides to enact such additional authority at this time, we strongly recommend that no restriction, such as the restriction contained in the last sentence of section 208 with respect to real estate credit, be included in such legislation.

The other provisions of H.R. 11601 which would require full disclosure of credit charges would be in accord with the President's program. Those provisions, however, are not within the responsibility of the Office of Emergency Planning, and I defer to the departments and agencies having a direct interest in the subject matter.

Mrs. SULLIVAN. Thank you, Governor.

I want to make a comment before we begin the questioning. Incidentally if we don't have time to complete the questioning, I have a series of questions I will read into the record for you to answer when you correct your transcript.

Mr. BRYANT. Thank you very much.

Mrs. SULLIVAN. Governor, this committee of the House, more than any other, recognizes the problems of your agency in preparing for eventualities we hope will never occur.

I personally think—and have expressed this on numerous occasions—that we should have on the books all of the necessary authority—standby authority—we would need in a war situation. That include price, wage, salary, and rent stabilization powers, credit control authority, rationing—nobody mentions that word and yet in a war situation it would become instantly essential to have such powers.

Why don't we write these things into law

when there is no emergency—when we can look at the problems calmly and with reason without trying to translate national policy during a war emergency into a question of whether controls should help the retailer to get a refund from the wholesaler or the wholesaler from the manufacturer.

The Korean war started on a June day and it was September before the Defense Production Act was enacted. Even then it couldn't be put into operation in major particulars until the following January.

In the meantime, the Consumer Price Index went up 1 percent a month. We are trying to help you do your job for the American people. But there is too much timidity in facing up to these issues until an emergency is actually upon us and then I think it is far too late. This is my speech. But it is something I have believed should be done ever since 1953 when we voted to take the standby economic powers out of the Defense Production Act. That act was passed in 1953 over my nay vote. I have been trying to do something about this issue ever since. I feel very much concerned about it.

With that I will turn the questioning over to the other members until they have exhausted their time.

Mrs. DWYER?

Mrs. DWYER. I have just one question.

I am happy to welcome you, Governor, to this committee. I might say to the chairman that he is doing an outstanding job as a chairman of the Advisory Commission on Intergovernmental Relations.

My question is, Do you believe, and I don't think you do from your testimony, that consumer credit controls should be in a truth-in-lending bill at this time?

Mr. BRYANT. Really, I would have to say that I do not think that they ought to be in any bill at this time. I would not particularly relate it to truth in lending. It is our position that the development of emergency credit controls is related to the total problem of economic and other emergency controls and ought not to be considered until the shape of the emergency is more easily and completely discernible than it is now.

Mrs. DWYER. Thank you.

Mrs. SULLIVAN. Mr. Bingham?

Mr. BINGHAM. Thank you, Madam Chairman.

I too, would like to welcome Governor Bryant.

I want to compliment him on the work that he is doing. I would just like to ask one question, Governor.

Would you develop a little further the thought contained in your statement that if there is a restriction—that if Congress does decide to enact this emergency authority at this time that you recommend there be no restriction with respect to real estate credit as is now contained in the last sentence of section 208?

Mr. BRYANT. Yes, sir, The problem of credit control is not really a separable problem, and if it is attempted, it ought to be attempted in its broadest aspects, and, therefore, in our planning, we do prepare to submit control measures which would control the entire spectrum of credit including real estate credit.

Mr. BINGHAM. Was real estate credit included in the regular uses during the Korean war, for example?

Mr. BRYANT. Yes, sir.

Mr. BINGHAM. Thank you very much.

Mrs. SULLIVAN. I have a few questions that I would like you to answer now; and then, Governor, if there are others, I will submit them for the record for you to answer in writing.

First, as I understand your position in your recent letter to Chairman Patman, you are claiming that since President Roosevelt on August 9, 1941, 26 years ago, issued Executive Order 8843 establishing regulations over consumer credit on the authority of

section 5(b) of the Trading With the Enemy Act, originally enacted in 1917, that the President could still adopt emergency consumer credit controls by Executive order pursuant to section 5(b) of the Trading With the Enemy Act. Is that correct?

Mr. BRYANT. Yes, madam.

Mrs. SULLIVAN. Could you tell me specifically what provisions of section 5(b) of the Trading With the Enemy Act could be relied on to support consumer credit regulations by Executive order?

I ask this question because the title of section 5 of the Trading With the Enemy Act is "Suspension of Provisions Relating to Ally of Enemy; Regulation of Transaction in Foreign Exchange of Gold and Silver." The annotated code indicates that practically all executive actions taken under this provision have related to foreign trade and exchange matters and not to control of domestic consumer credit.

Mr. BRYANT. May I refer you, Madam Chairman, to title 12 in the U.S. Code Annotated, section 95(a), subsection (1)(A), in which the President is given authority, "to investigate, regulate, or prohibit transfers of credit or payments between, by or through, or to any banking institution."

I have not given you a total quotation, but that is the essence of the language upon which the authority is predicated.

Mrs. SULLIVAN. I am not a lawyer, so I don't know whether the legal meaning of that section can be stretched to apply it to standby controls or the requiring of a minimum amount to be put down on any item that is to be purchased with credit by the ordinary consumer.

Mr. BRYANT. Madam Chairman, I have with me today, two persons that I would like to present at this time, one, Mr. Skubal, Chief of the Economic Stabilization Division and Mr. M. M. Merker, who is General Counsel for OEP.

May I ask him to respond more fully to your legal question?

Mr. MERKER. Madam Chairman, the Executive order which was issued on August 9, 1941, by President Roosevelt specifically relied upon section 5(b) of the act of October 6, 1917, which is the Trading With the Enemy Act.

So, we feel that the precedent of reliance upon that statute at that time would still be available to us today, even though our planning does not contemplate it. We would seek legislation at the appropriate time.

Mrs. SULLIVAN. Of course, at the time President Roosevelt adopted this device in the summer of 1941 we did not have on the books a whole pattern of congressional legislation pertaining to various aspects of emergency regulation of our economy. Since that time Congress has spoken on this subject by enacting several laws including the Defense Production Act, containing legislative authority for consumer credit controls. It seems to me that the administration is on very thin ground in relying on a 1917 law for such executive authority when Congress as recently as 1950 provided such authority in the Defense Production Act and in 1953 deliberately and consciously allowed such authority to lapse.

Don't you think that there was a clear intention here by Congress, at least in a limited emergency situation, that the President should not exercise any such authority without coming to Congress first, as President Truman did in 1950?

Mr. MERKER. That is why our planning contemplates we would come to Congress. We mentioned it only in connection with the most extraordinary situation which might arise which would be more than a normal limited situation where we could appear before Congress. This authority is still on the books and is still available, but is certainly not the approach that we are taking, as we have indicated.

Mrs. SULLIVAN. As I have said, this is the whole reason why I have been trying to have this issue brought up in a calm situation, when we are not in an emergency.

Certainly, the President, or the Federal Reserve Board, would not use such authority under any except the most urgent circumstances. So the whole problem should be reviewed by Congress now, not when it is necessary, or when we are in a hot war, or in a situation where something legislatively would have to be done quickly, and perhaps too hastily.

As I stated before, the Korean war started in June, but we didn't get this act passed until fall, and most of it couldn't be put into effect until the following January. I can remember very, very clearly what happened to prices at that time. People rushed out to buy things they were afraid would be scarce. There was no regulation as to how much of a down payment they had to make on these things. And we did go into an inflationary spiral.

Mr. MERKER. The approach we have taken has been the agency's position for about 10 to 12 years, and the reason for that is that at the time we developed this approach, it was felt that if we proceeded for legislation without the relatively immediate need for legislation, that we might have restrictions written into the law, such as the restriction that is in here at the moment concerning real estate credit, and other restrictions which might not give us the generally broad authority which the President ought to have if he is to institute a program of consumer credit controls.

Mrs. SULLIVAN. What would prevent you from sending up a bill and letting us explore it? As I say, things are calm right now. There would be no fear that this power was about to be exercised.

Mr. MERKER. As I indicated, we felt that was not appropriate because we would not get the kind of bill we would like to submit and like to see enacted.

Mrs. SULLIVAN. Our staff advises me that you have recognized this problem in your own documents that you have prepared. One of the most important documents your agency publishes, called "The National Plan for Emergency Preparedness" states in chapter 13:

"Economic Stabilization: In a limited war mobilization, without attack on the United States, emergency measures would probably be required to stabilize the economy. Fundamental problem would be restraining or controlling the inflation which accelerated mobilization could set in motion, even though inflationary pressures might not be generated by immediate shortages of food and services in the early stages of a limited war the psychological reaction in such a situation could produce inflationary pressures requiring forceful national action."

We could be approaching such a situation in the next months, for all we know. We don't know. Under what authority would the administration provide forceful, national action in the consumer credit area if it did not have standby authority already on the books and did not wish to risk the psychological reaction which would certainly result from a request to Congress for legislative authority under such circumstances?

Mr. BRYANT. The approach would have to be a much broader economic approach than one relating only to consumer credit. As I indicated a moment ago when the question was whether or not this should be included in truth in lending, I said, in my opinion, it should not be included in any bill until it was approached in its broadest aspects, that is, until you encompass the entire spectrum of inflationary or economic controls. However, we would have no objection to section 208 if the restriction on real estate credit is removed.

Mrs. SULLIVAN. We weren't getting any-

where with this on any other proposed bill, including the Defense Production Act, where it had been before, so we put it in with this bill on consumer credit, where we really think it does belong.

Mr. BRYANT. I understand that.

Mrs. SULLIVAN. I also notice that "The National Plan for Emergency Preparedness" has a section entitled "Index of Authorities" which is said to be the "principal Federal statutes and Executive orders concerned with emergency preparedness." Under the heading, "Principal Statutes" you list the following laws: The National Security Act of 1947, the Federal Civil Defense Act of 1950, the Defense Production Act of 1950, the Strategic and Critical Materials Stock Piling Act, the Federal Property and Administrative Services Act of 1949, and Reorganization Plan No. 1 of 1958. There is no mention anywhere in that listing of the Trading With the Enemy Act as an authority for the exercise of emergency consumer credit controls or of any other domestic emergency preparedness measure.

If the Trading With the Enemy Act is the authority that the executive branch is relying on to institute emergency consumer credit controls, how can you explain that this is not cited in your list of principal statutory authorities for emergency action?

Mr. BRYANT. I think even worse than that, I wrote Chairman Patman a letter March 30, 1966, really in response to your inquiries, I think, in which I did not refer to this Trading With the Enemy Act. I can only plead that I had only been abroad for 6 days at that time and I simply failed to give you the full information relative to this matter.

The second response I would give to you, we are not really relying on it. We think that in a real emergency situation it could be used as a basis for credit controls, but we do not propose to rely upon it.

Mrs. SULLIVAN. Let me just cite an illustration of why I am concerned; it is on the record and although it doesn't apply to the issue we are talking about here today, it indicates why I feel we should go into these things candidly.

As you may have heard, I have been at war with the administration for 3 years—but only openly since March—on the negotiations over the Panama Canal. I violently oppose the proposed treaty provisions to turn the authority over the Panama Canal to a country that is politically unstable.

During the past 3 years, when the negotiators have been coming to us in executive session to discuss the issues, I asked them time after time whether the Congress does not have to act as a whole if we are to turn over any property—bought and paid for by the United States—under any treaty. And the answer always was, "No, when we abrogate the treaty and make a new treaty it will only have to be ratified by the U.S. Senate." Now they are finding out they were wrong; yet for 3 years I had been raising the question with them. Whether they thought they had the right answers, or whether they went into it deep enough, I don't know. But I think many of these things need delving into. We are not always right as individuals. Our negotiators, who worked with some very clever people, evidently hadn't done their homework well enough to find out whether or not additional authority would be needed, and absolutely ignored our questions on it and made no further study on it.

I still have my doubts—going back to our own subject right now of standby credit controls in a national emergency—whether you have the authority to do what you would need to do in time of such emergency.

In this connection, the Wall Street Journal ran a very interesting story on June 20, 1967, called "The Emergency Jumble: Presidential Crisis Powers Are Irrational and Full of Gaps." I would like to include this article at this point in the RECORD. I feel that the

administration should devote more time to clarifying for us and for the public the emergency powers that it has or might need on a standby basis—especially in the area of economic stabilization and the control of consumer credit.

That is all I have at this point. If there are additional questions, you can answer them for the record.

Mr. BRYANT. Thank you.

(End of Exhibit C.)

(Resumption of questioning of Secretary Kennedy, June 19, 1969.)

Mrs. SULLIVAN. My next question is this. If we are possibly going to need controls on consumer credit, would it not have been better to have enacted them in a standby form 3 years ago as Mr. Reuss and I had proposed at that time in the Defense Production Act amendments of 1966, or last year in the Consumer Credit Protection Act, when there was no inflationary emergency resulting in an 8½ percent prime interest rate? Isn't it always better to consider these problems in a calm atmosphere rather than under the gun of an emergency, when every businessman then feels he has to raise the prices in order to beat the controls?

I am sure your answer would be yes. For instance, if you were to come in here now to ask for legislation for price and wage controls, which nobody wants to even talk about, we know what would happen immediately to labor contracts and prices during the intervening period before any law was written. Everybody would be demanding a labor rate, or a sales price, high enough to see him through a "freeze" and it would be chaos, just as happened in 1950.

My next question which I would like you to answer for the record, when you go over your transcript is this: If there is more credit demand than there is credit available, as seems now to be the case, how do we assure adequate credit for those things which are socially and politically desirable as matters of public policy, such as housing, education, mass transit, essential defense and civil product, expansion of small business opportunities for minority groups, pollution control, hospitals and so on.

Right now these are the very things being priced out of the credit market. Should we not be assigning some priorities, and how can we do that? If you will answer these questions in writing when you have had time to read over and think about it, I will appreciate it.

Secretary KENNEDY. Those are good questions.

Mrs. SULLIVAN. That is all, Mr. Chairman. (The questions asked by Mrs. Sullivan with Secretary Kennedy's answers follow:)

*Do we need the authority right now to restrict the expansion and volume of consumer credit?*

Answer. There does not seem to be any present need for authority to restrict consumer credit. In the absence of any indication that an excessive rate of expansion in consumer credit is causing inflationary pressures, reliance should continue to be placed upon general measures of fiscal and monetary restraint.

Consumer credit did rise by a record \$11 billion in 1968 and instalment credit by \$9 billion. However, this followed a peak year in 1965 and two years of relatively slow growth in 1966 and 1967. Consumer credit accounted for about 11% of total funds raised by non-financial sectors in 1968—a lower proportion than in either 1964 and 1965. In the first four months of this year, the monthly average increase of consumer credit has been running about 20% below the average monthly rate during the second half of 1968. Therefore, on the basis of recent trends, the expansion of consumer credit seems to be responding to general measures of credit restraint.

*At what point and under what circum-*

*stances should the Government of the United States have the power to ration consumer credit for non-essentials?*

Answer. The power to ration consumer credit—along with comparable authority in other credit areas—would be useful in an inflationary situation which could not be dealt with by general fiscal and monetary restraint. Past experience suggests that selective credit controls may be useful during wartime or periods of very rapid defense buildup. Resources then need to be shifted on a sizable scale from the nondefense to the defense sector, and credit controls may assist the process.

It is also conceivable that credit controls might be needed even in the absence of a rapid defense buildup. If inflation threatened to get entirely out of control and if general measures of restraint could not be applied on a sufficient scale, there might be little choice but to use a comprehensive set of selective restraints temporarily. It should be emphasized that no such situation is currently in prospect.

It is sometimes suggested that special legislative authority should be sought with the actual credit controls placed on a standby basis. An objection to this procedure is that it may create a widespread expectation that controls would be applied in the near future. This could have a seriously adverse effect on the success of general measures to control inflation.

*How do we assure adequate credit for those things which are socially and politically desirable as public policy?*

Answer. There is no question that many socially desirable projects are being priced out of the credit market because of the current high level of interest rates. As I have already stated, the basic explanation for the general level of interest rates lies in the current strong demand for credit, excessive inflation, and heavy reliance on monetary policy. Thus, in order to assure adequate credit for housing, small business, and local public facilities it is essential to enact the surcharge extension and other fiscal measures, proposed by this Administration which would help to moderate credit demands, control inflation, and reduce reliance on monetary policy.

Another approach to meeting special credit needs—which I would not recommend—would be through new and expanded programs of direct Federal credit assistance in each area unable to compete for credit under current conditions. This approach would add further to overall credit demands and inflationary pressures and would place an even greater burden on monetary policy—thus leading to a further escalation of interest rates. Moreover, the end result of this cycle would be that virtually all of the credit needs in areas unable to compete in the market would be met by Government agencies rather than by the traditional private financial institutions, thus undermining the private credit system and leading to greatly increased dependence on direct Government aid. Clearly, the preferable course is to attack the basic problem of excessive demand through the enactment of the surtax extension and other essential fiscal policy measures which will help to assure a return to more normal credit conditions.

IEWS OF FEDERAL RESERVE CHAIRMAN MARTIN ON CONSUMER CREDIT CONTROLS AND POSSIBLE CONTROL OVER COMMERCIAL PAPER

Also during those hearings, Mr. Speaker, the Honorable William McChesney Martin, Chairman of the Board of Governors of the Federal Reserve System, gave thoughtful answers to some of the questions I raised to him on consumer credit controls and also the control of commercial paper and other business credit, as follows:

EXCERPT FROM HEARINGS OF HOUSE COMMITTEE ON BANKING AND CURRENCY, INVESTIGATION OF INCREASE IN PRIME INTEREST RATE, JUNE 30, 1969

Chairman PATMAN. Mrs. Sullivan.

Mrs. SULLIVAN. Thank you, Mr. Chairman.

Mr. Martin, before questioning you on the matter before this committee I want to take this opportunity to express once again my gratitude to the Federal Reserve for the truly outstanding job your agency has done in carrying out your responsibility under the Truth in Lending Act which goes into effect tomorrow. I told your Vice Chairman, Mr. Robertson, that I was going to make sure that Chairman Patman knew about this instance, in which the Federal Reserve has demonstrated its great ability to serve as a consumer agency in the Government.

Mr. MARTIN. Mrs. Sullivan, I want to say that Governor Robertson deserves the major credit for this, that he has worked like a slave on it, and I think he has been very effective. He had offered to come up, you know, when I was away to testify at this hearing, and he would have been in a better position that I to comment on truth in lending.

Mrs. SULLIVAN. Thank you, Mr. Martin, along those lines of the Federal Reserve's responsibilities to consumers, do you think the time has arrived when we need the authority to place controls on the expansion of consumer credit? I asked the Secretary of the Treasury, Mr. Kennedy, the same question, and he said it should be directed to you.

Mr. MARTIN. Mrs. Sullivan, as I testified some time ago, I think it would have been desirable or would be desirable for us to have this authority on a standby basis. We have to weigh all the other factors when we initiate it. As you know, regulation W was taken away from us, and we have advocated on a number of occasions that we have the standby authority, and it has been denied us, so we have no authority to operate there, I think in a period like this, it would be very desirable for us to have standby authority.

Mrs. SULLIVAN. Back in 1966, I believe, Congressman Reuss and I had an amendment to the Defense Production Act.

Mr. MARTIN. Right.

Mrs. SULLIVAN. To give standby credit controls to the President. This was when we did not need it, when we could have done it in a calm atmosphere.

Mr. MARTIN. Right.

Mrs. SULLIVAN. But we did not get too many takers on that.

Mr. MARTIN. No, and after a long colloquy with Congressman Reuss at that time I gave him an affirmative answer.

Mrs. SULLIVAN. Thank you, Mr. Martin, I believe I was one of the first, during this series of hearings, to raise the question on commercial paper, because I happened to feel that it is very important, and you and others have spoken of the growth of commercial paper. It has increased far beyond any other financial instrument in our monetary system.

Mr. MARTIN. Right.

Mrs. SULLIVAN. At the end of April total commercial paper outstanding totalled more than \$24.4 billion, up \$709 million from the previous month alone, and up \$6.9 billion from the level of the preceding year, and the total amount of outstanding commercial paper almost equals the amount of total reserves held by member Federal Reserve banks. Of course, commercial paper is not in any way regulated by our monetary authorities.

Commercial paper, as we know, is exempt from any registration requirements of the Securities and Exchange Act of 1933, so it seems to me that we have here a glaring gap in our monetary system over which the Federal Reserve has no control.

My question is: Do you think it is about time that some form of control be exerted over that fast-growing financial tool that is fueling the fires of this inflationary period?

Mr. MARTIN. I think that is a good question, Mrs. Sullivan, and I think it is one that we ought to study very carefully. As you know, I am not anxious to have any more controls. They are difficult to administer. We have been particularly concerned about affiliates of banks issuing commercial paper, but we have been studying this and we find that the commercial paper issued by affiliates of banks is still well under \$1 billion. We are examining our legal authority now as to whether we have the power to regulate it and if so, whether we should. It is in the same situation I think that time deposits are. I think we may come to the conclusion, after we have studied it further that this is something that we ought to consider regulating, not just let it develop as it has been developing.

Mrs. SULLIVAN. Mr. Martin, no one questions that the great impact of this prime rate will be another slowdown in an already depressed housing market, and once again I point out that this committee has given the Federal Reserve the authority to purchase housing paper in the open market, in order to push more funds into this sector. Will you use this authority for bringing the housing market back up?

Mr. MARTIN. Mrs. Sullivan, this is one of the most difficult things that we have, and it is particularly difficult to implement in a period of tight money. I have testified repeatedly and did categorically with Congressman Reuss and also on the Senate side that I do not think that it is proper to use the central bank to subsidize housing or any other sector of the economy. However, I see no harm in our going into the market for agency issues and trying to improve that market, but if we try to do it, we ought to know what we are doing.

We have had three meetings of our Federal Open Market Committee on this. There is an enormous increase in agency loan activity generally, and all of these agencies would like us to buy some of their issues. In other words, in fiscal 1970 we are going to have an increase of \$21 billion in agency sponsored and guaranteed loans against about \$13 billion in fiscal 1969. This is an enormous increase, and there is a prospective proliferation of issues.

At the present time we are not buying wholesale in the market anyhow. We are following a restrictive monetary policy. As a market man I have some questions about how effective this sort of intervention is. We have not made up our minds yet whether we are going to make some purchases or not, we are still working on it. We will have no trouble acquiring them, but whether we will ever be able to sell them or not is another thing.

Mrs. SULLIVAN. We have also been discussing this, Mr. Martin, in our National Commission on Mortgage Interest Rates.

Mr. MARTIN. Right.

Mrs. SULLIVAN. How do we get more mortgage money into the market? This was one of the suggestions.

I know my time is up but I want to put a question to you. And in line with what I just mentioned, about this commercial paper, I would like you to think of this, too. The U.S. Savings & Loan League has conducted a survey showing that low-priced homes, those offered for sale at \$12,500, declined 70 percent between 1965 and 1968, and during this same period homes costing \$30,000 or more had a production increase of 53 percent, and production of apartment houses expanded to a point where they represent 40 percent of the new housing starts. Do you think there is any connection between this drastic curtailment of low-cost housing, prime rate increases, and the increases in mortgage interest rates which follow? When you get your copy of the transcript, if you will—

Chairman PATMAN. You may answer it in your transcript.

Mr. MARTIN. Yes, I will be glad to but let me just say this is a clear evidence of inflation, what you are pointing up, and this is the overall thing we have got to deal with. I agree with you.

(The information requested follows:)

We believe that the connection between changes in sales of new low-cost housing and rising costs of credit over recent years have been relatively minor. Housing price, cost, and demand developments appear to have been the principal factors influencing the mix of new housing construction over this period.

The curtailment in conventionally-built low-cost housing was accompanied by sharp growth in output of mobile homes between 1965 and 1968. And these mobile homes were purchased with short-term financing at interest costs substantially higher than average rates charged on mortgage credit. Meanwhile, inflation in building costs continued in new conventionally-built homes helping to account for the reduced sales of low-priced dwellings and expanded sales of high-priced units. A substantial proportion of the rise in average house prices, however, reflected upgraded dwelling amenities at a time when consumer incomes increased further and demands for housing strengthened.

**Mobile homes.**—A striking development in the housing market during recent years has been the growing output of mobile homes. Although these units are arbitrarily excluded from most house-sales statistics, they represent an increasingly important source of new low-priced shelter. Nearly all mobile homes sell for substantially less than \$12,500, excluding land but including furniture.

Shipments of new mobile homes expanded between 1965 and 1968 by almost one-half, as shown in the accompanying table. The enlarged production of this type of residential accommodation more than offset the considerable drop in sales of new conventionally-built homes priced under \$12,500. As a result, the availability to homeowners of new low-priced shelter of both types increased by one-fourth, as measured by official statistics on unit sales and shipments.

Occupancy of the expanded volume of new mobile homes was financed short-term, at costs considerably exceeding charges typically associated with long-term mortgage credit. A recent HUD study, in fact, suggests that buyers who purchased new mobile homes between late 1965 and late 1968 paid true interest rates that were at least 1½ times the

average rates being charged at the time on mortgages secured by conventional new homes. ("Housing Surveys," Part 2 [1968] p. 80.) Despite these high interest costs, further growth in the output of mobile homes has continued to augment the supply of new low-priced housing so far this year.

**Amenities.**—In line with a trend extending for many years, buyers have recently been purchasing new conventionally-built homes offering more and/or better amenities, during a period when consumer incomes and living standards have generally risen sharply further. This upgrading has accounted, in turn, for part of the market decline in sales of new low-priced homes lacking many of the quality features demanded by conventional homeowners. Upgrading has also accounted for part of the increase in sales of the highest-priced new dwellings incorporating the latest features.

While no information is available by price classes, upgrading is clearly revealed in the official sales statistics for all types of new conventionally-built homes. According to the Census Bureau's new-home sales series, the average sales price of conventionally-built homes sold between 1965 and 1968 rose about 23 per cent. As much as two-fifths of this over-all rise reflected a shift to larger houses with more and/or better equipment.

**Physical costs.**—Demand for housing has strengthened considerably since 1965, as reflected partly by the drop in residential vacancy rates to unusually low levels. Under these conditions, developers of conventionally built homes have been in a strategic position to pass on to buyers the sharp increases that have emerged in costs of both land and building. This is another reason why output of conventional housing in the lowest price brackets has dwindled. It also helps to explain why more buyers, as noted above, have turned to low-priced mobile homes which incorporate economics of development that are difficult to achieve in conventional homebuilding.

Physical costs of conventionally-built 1-family homes have increased considerably between 1965 and 1968. An average rise of nearly 19 per cent is suggested by the widely-cited index of construction costs published by E. H. Boeckh & Associates. Land costs, many observers believe, have risen even more sharply. These costs together ordinarily account for the vast majority of total development costs.

#### NEW HOUSING ACCOMMODATIONS FOR OWNER OCCUPANCY

(In thousands of units)

	Priced under \$12,500		Priced at \$30,000 and over—	
	Sales of conventionally built 1-family homes	Shipments of mobile homes	Total	Sales of conventionally built 1-family homes
1965.....	51	216	267	74
1968.....	14	318	332	141
Increase, 1965-68.....	-37	102	75	67
Percent increase, 1965-68.....	-73	47	24	91

Source: U.S. Census Bureau, for sales; Mobile Homes Manufacturers Association, for domestic shipments which include a few homes priced at \$12,500 or more. Very few new mobile homes are believed to be sold for rental.

**Financing costs.**—The uptrend in costs of all types of credit since 1965 has been reflected in higher interest rates for housing finance as well. But the increase in housing finance costs appears to have accounted for only a minor part of the decline in sales of conventionally-built low-priced 1-family homes between 1965 and 1968, and for only a minor part of the increased sales of high-priced homes of this kind.

No official information is available about recent trends in costs of funds to finance construction of small homes in given price brackets. As a rough estimate, it seems reasonable to assume that these costs generally

rose on the order of 50 per cent between 1965 and 1968—about in line with the relative increase in the bank prime rate. Even so, costs of construction funds generally account for an average of no more than 5 per cent of the sales prices of 1-family houses, according to a recent report by the National Commission on Urban Problems. Thus an increase of about 50 per cent in costs of construction funds during the period in question—if passed on fully to buyers—would have been reflected in about a 2½ per cent increase in final prices.

Interest rates on funds to finance long-term owner occupancy apparently rose less

between 1965 and 1968 than costs of short-term construction funds. These owner-occupancy financing costs, of course, are not ordinarily reflected directly in the sales price of new homes, except in cases when builders may capitalize mortgage discounts. Nevertheless, costs of financing occupancy have undoubtedly had some influence on buyer decisions to acquire new 1-family homes in various price brackets.

Although average interest rates on conventional first mortgages on new houses increased from about 5½ per cent in 1965 to nearly 7 per cent in 1968, average maturities on these loans remained close to 25 years, according to the Federal Home Loan Bank Board series. Thus equal monthly payments toward principal and interest necessary to fully amortize a loan of \$1,000 increased, on the average from about \$6.29 in 1965 to about \$7.07 in 1968, or by an eighth. The impact on effective occupancy costs, however, was a good deal smaller. For one thing, debt service payments account for only a part of total annual housing expenses. Also, interest on borrowed funds may be itemized as a deduction for income tax purposes.

VIEWS OF DAVID ROCKEFELLER OF CHASE  
MANHATTAN BANK

Mr. Speaker, as part of the documentation of this issue of Federal regulation of inflationary extensions of credit in business as well as to consumers, I submit the portion of our prime rate hearings which included my questioning of David Rockefeller, chairman of the board of the Chase Manhattan Bank, and his answers, as follows:

EXCERPTS FROM THE HEARINGS OF THE HOUSE  
COMMITTEE ON BANKING AND CURRENCY,  
INVESTIGATION OF INCREASE IN PRIME INTEREST  
RATE, JUNE 23, 1969

Chairman PATMAN. Mrs. Sullivan.

Mrs. SULLIVAN. Thank you, Mr. Chairman.

Mr. Rockefeller, I am sure you are aware that the growth of commercial paper has increased far more than any other financial instrument in our monetary system. At the end of April I read that the total commercial paper outstanding totaled more than \$24.4 billion, up \$709 million from the previous month alone, and up \$6.9 billion from the level of the preceding year. The total amount of outstanding commercial paper almost equals the amount of total reserves held by the member Federal Reserve banks.

And, of course, commercial paper is not in any way regulated by our monetary authorities.

Commercial paper is exempt from registration requirements of the Securities and Exchange Act of 1933. So it seems to me that we have here a glaring gap in our monetary system over which the Federal Reserve has no control.

(Mrs. Sullivan submitted the following article from the New York Times for inclusion in the record at this point:)

[From the New York Times, June 22, 1969]  
CORPORATIONS ARE FLOODING MONEY MARKET  
WITH IOU'S

(By H. Erich Heinemann)

Robert G. Wilson, a 35-year-old partner of Goldman, Sachs & Co., raised \$40-billion for American industry last year, and he should do substantially more than that in 1969. Sound incredible? Perhaps. But it's true.

Mr. Wilson is head of the commercial paper department at Goldman, a prestigious member firm of the New York Stock Exchange that is the oldest and by far the largest of the half dozen or so concerns that buy unsecured corporate I.O.U.'s and resell them to investors.

Commercial paper is one of the oldest forms of investment in the United States; a commercial paper rate was quoted in New York City as far back as 1837.

#### Some Basic Changes

But in the crucible of the money crisis in 1969, the commercial paper market has assumed new importance. It has grown tremendously in size, thereby absorbing some of the stress created by the Federal Reserve System's massive squeeze on credit. But in the process it has created new problems of its own, whose resolution is not yet clear.

And perhaps still more important, basic structural changes have occurred in the commercial paper market that promise to persist long after the money markets begin to return to normal.

At the end of April, the most recent date for which figures are available, commercial paper outstanding totaled more than \$24.4-billion up \$709-million in the month, and up \$6.9-billion from the level a year earlier.

Not only is the size of the market increasing by leaps and bounds, but also new borrowers—some of which are household names in industry—have been coming into the market in droves.

Allied Chemical, the Standard Oil Company of Indiana, Standard Brands, Con Edison, Weyerhaeuser, and Babcock & Wilcox are just a few of the well-known companies whose names are turning up in the market for the first time.

But for the commercial paper dealers, this has been a period of profitless prosperity. The cost of financing inventories of unsold paper is sky high, which more than eats up the paper-thin margins on which the commercial paper dealers are forced to operate.

More seriously, analysts are focusing on the paper market as a potential trouble spot in the credit crunch. The huge expansion of the market has absorbed loan demand that the banking system could not handle.

But no one can be certain of the size or permanence of the pool of funds that the commercial paper market has tapped. Many bankers are apprehensive that, should there be a contraction in the availability of funds for commercial paper, this could reflect massive credit demands back into the banks—demands that already over-loaned commercial banks could not possibly accommodate.

#### Dealers Confident

This has not happened yet. The major dealers in commercial paper are confident that it will not happen. But the worry remains.

Part of the problem lies in the fact that there are so few dealers in the market. Besides Goldman, which says it issues about half of the paper sold through dealers, there is A. G. Becker & Co., an old line Chicago concern that has long been in the market; Salomon Brothers and Hutzler, one of the leading dealers in all types of short-term securities; Lehman Commercial Paper, Inc., which was started in 1963 by Lewis L. Gluckman, who formerly ran Becker's paper department; the First Boston Corporation, one of the nation's leading investment bankers, which came into the paper market last year; and the "Thundering Herd," Merrill Lynch, Pierce, Fenner & Smith, the nation's largest brokerage house, which in terms of commercial paper is the newest and smallest member of the market.

Other commercial paper dealers include the Nuveen Corporation, which last year acquired Ashwell & Co., an old-line Chicago paper house, and Piper, Jaffray and Hopwood, a leading Minneapolis brokerage house.

There is a broad division in the commercial paper market—between the dealer market—where these firms operate—and the "direct" market, where a group of 27 major finance companies—of which the General Motors Acceptance Corporation by far the largest—sell their notes directly to investors.

In years gone by the direct sellers dominated commercial paper in the volume of their outstanding debt, and in the dynamism of its growth. But this has changed this year. On April 30, directly placed paper was

\$14.3-billion, up about 7½ percent in the first four months. Dealer placed paper, on the other hand, was \$10.1-billion, up 40 percent in the same time period.

Quite clearly, most of the tremendous growth in commercial paper activity this year has been in dealer paper, and very few firms have had to handle the volume.

In its operation, the commercial paper market is simplicity itself. The borrowing company simply makes out an unconditional promise to pay a sum of money on a fixed day in the future and then sells the note at a discount from its face value. The difference between the sale price and the face value represents the interest yield to the investor.

#### Denominations large

Under the rules of the Securities and Exchange Commission, commercial paper is exempt from the registration requirements of the Securities Act of 1933, provided two requirements are met—that it not have a maturity of more than 270 days, and that the proceeds from the borrowing are used for "current transactions," and not as a substitute for long-term financing.

Years ago, it was possible for the individual investor to dabble in commercial paper.

Some firms sold notes in denominations as small as \$5,000. Today, however, this is largely a thing of the past. The minimum denomination these days is generally \$100,000, and some dealers say they like to work in nice "round lots" of \$1-million.

Naturally, in a market as fluid and informal as this, only the biggest companies with the best credit ratings have much chance of getting funds.

The basic screening is done by the National Credit Office, a subsidiary of Dun & Bradstreet, which provides credit ratings for commercial paper borrowers. There are five different rating categories—ranging from "prime" to "not-recommended"—but in the current tight market it is very hard for any but the "prime" rated names to get much money.

This has become especially true following the collapse this year of the Mill Factors Corporation (which had been rated "desirable," the No. 2 rating) which has defaulted on some \$7-million of outstanding paper. The commercial paper holders are hoping, in time, to collect about 65 cents on the dollar from Mill Factors.

In all, the National Credit Office has rated about 500 companies, and there are another 125 or so concerns active as sellers of paper that believe that their credit ratings are sufficiently strong that they can get along without the N. C. O. seal of approval, which costs \$300.

Though companies that are active commercial paper borrowers cover a cross section of American business, the makeup of the market has been changing rapidly.

While finance companies still account for well over half of total commercial paper outstanding, they no longer dominate the market the way they did in the 1950's, when, according to some estimates, they accounted for almost 90 per cent of all paper—both dealer and direct.

Electric utilities, telephone companies, industrial concerns, and—perhaps most importantly—bank holding companies have been rushing in to tap this pool of liquidity.

No accurate statistics are available, but some dealers estimate that total bank paper has grown from practically nothing at the beginning of the year to several billion dollars at present, including various exotic new types of paper that are probably not fully reflected in the traditional commercial paper figures.

#### Agencies involved

Several Government or quasi-government agencies—the Export-Import Bank and the Federal National Mortgage Association are two examples—have tapped the paper market, as have the New York State savings

banks, through the Savings Banks Trust Company.

Then, too, the First Boston Corporation is working on a still-tentative plan to create commercial paper for the credit union movement that would allow the nation's 23,000 credit unions—most of which are very small to meet their liquidity needs in the central money market.

First Boston has also been a leader in creating new types of money market instruments for the banks—for example, "documented discount notes" and "loan participation certificates." In the former case, a major bank puts its guarantee on the note of one of its smaller, lesser known customers, which has the effect of giving the company access to the central money market.

Just as the issuers of commercial paper have changed, so, too have the buyers. In the 1920's, banks were the principal buyers; today very few banks buy paper, and those that do are generally very small. Ten years ago corporate treasurers represented an important source of demand; today, while they are still in the market, the corporations are much more likely to be sellers than buyers.

Nonbank financial institutions—mutual funds, savings banks, insurance companies, private pension funds, and state and local retirement funds—are the big buyers in the 1969 market. Indeed, as the stock market has slumped this year, the mutual funds have shortened their sails and poured substantial amounts of money into commercial paper.

In effect, this is a second banking system, entirely outside the banking structure. Most of the time, bankers complain about commercial paper. This year, they are kind of glad it is there.

As the competition for funds has mounted, so, too, quite naturally, have interest rates. Where once it was considered natural for commercial paper to yield, say, one-quarter of a percentage point more than United States Treasury bills, lately this spread has been close to 2 points on occasion.

Late last week commercial paper was being offered to investors to yields anywhere from 8½ percent to 8¾ percent, depending on the credit rating of the borrowers. Typically, the dealers try to operate on a "spread" of an eighth of a point, buying paper, at, say 8½ percent, and selling it at 8¾ percent.

For smaller issues, this spread may be a quarter point, while Merrill Lynch has been quoting a three-eighths of a point spread on very short maturities of paper in order to recoup some of its cost of financing its inventory of paper.

Commercial paper dealers are subject to the same interest rate at New York banks that is applied to Government bond dealers, which averaged 9.2 percent in the week ended Wednesday. But the dealers have been avoiding this "penalty" rate in part at least by going to corporate treasurers who are willing to buy the paper subject to an agreement from the dealer to buy it back on a fixed date in the future.

#### *A high yield*

The rates in this "repro" market, while still high, have been well under the dealer loan rates posted by the major banks.

For the more permanent investor, commercial paper has the advantage of generally offering one of the highest—if not the highest—rates of return in the money market, with (Mill Factors to the contrary notwithstanding) very low risk.

Indeed, Salomon Brothers, which prides itself on its ability to trade money-market instruments in volume, considers commercial paper no different from the many other short-term instruments that it offers to its clients.

"We're trying to run a Tiffany operation here," says William E. Simon, partner of the firm. Salomon Brothers has fewer than 35 issuing companies, Mr. Simon explained, but

they have unquestioned credit, and they are borrowers in size so that the firm has good selection of paper for sale.

On the other hand, David L. Rosenau, who is masterminding Merrill Lynch's entry into the market, is concentrating on developing a market for commercial paper among the thousands of small- and medium-size businesses that Merrill can reach through its vast network of branch offices all over the country.

"When we build the demand," Mr. Rosenau said recently, "we won't have any trouble getting the inventory we need."

(Resumption of questioning of Mr. David Rockefeller, June 23, 1969):

Mrs. SULLIVAN. My question to you is: Don't you think it is about time some form of control be exerted over this fast growing financing tool that is fueling the fires of this inflationary period?

Mr. ROCKEFELLER. You are certainly right, Mrs. Sullivan, that it has grown at an extraordinary pace, and has suddenly become a major factor in caring for the needs of business. And you certainly also are right that there is an absence of the same degree of control that there is in commercial banking.

So perhaps an investigation of the subject would be useful, although I have no reason to feel that there are any abuses in the commercial paper market today.

Mrs. SULLIVAN. No, it is just allowed to grow.

Mr. ROCKEFELLER. But it has grown rapidly, and perhaps it would be useful to review it and see whether there are additional controls or regulations which ought to be imposed. I would be more enthusiastic about studying that than studying paying interest on demand deposits I think, Mrs. Sullivan.

Mrs. SULLIVAN. I am not going to have time for a full discussion on this, but I am going to ask you too, Mr. Klamon, if you will comment on this point also—not now, but for the record. I want it in the record, and I feel that we should have it, but I want to ask some other questions now that I think are necessary. Ultimately the full impact of all this inflation and high interest rates affects the little fellow, especially the fellow who is trying to buy his house, and the necessities for a house. He is the one paying in the long run for inflated prices.

Mr. Rockefeller, in your statement you indicate that the rates charged by the Chase Manhattan on small business, consumer installments and home mortgage loans have not increased. You also indicate that the volume of funds devoted to the home mortgage market has not been affected. But isn't it a fact that the so-called consumer loans—such things as automobile loans—are already substantially above the 8½ percent rate?

Mr. ROCKEFELLER. That is correct.

Mrs. SULLIVAN. And what is the real or effective annual interest rate on consumer loans charged by Chase Manhattan?

Mr. ROCKEFELLER. Approximately 12 percent.

Mrs. SULLIVAN. And on the housing mortgages, isn't it true that you are not raising these rates simply because State law will not allow it?

Mr. ROCKEFELLER. As I indicated in my testimony, there is such a State law, and therefore we don't have the alternative. What the rate would be were there not such a law it is hard to try to anticipate, because we are not faced with that situation, but as of now it is the law that determines the rate.

Mrs. SULLIVAN. What are you charging now on a housing loan, and how many points are you charging?

Mr. ROCKEFELLER. May I ask Mr. Roeder, who handles this particular field, to give you that.

Mr. ROEDER. Our interest rate on residential mortgage loans, Mrs. Sullivan, is 7½ per-

cent. We charge no points. And I think it might be interesting to the committee that in our residential mortgage program, the borrower is permitted to prepay without penalty at any time, so that if the interest rate structure goes down, if the individual chooses to prepay his 7½ percent loan, and refinance it at a lower rate elsewhere, he is in a position to do so. There is no penalty.

Mrs. SULLIVAN. That is good to hear. Do you make any loans under FHA or VA programs, and if so, how many points are you charging on these in addition to the interest rate?

Mr. ROEDER. We make relatively few, Mrs. Sullivan. Our emphasis has been on originating residential mortgage loans through our very extensive branch system. We have some 150 branches. The majority of those branches are located in the smaller communities, in Queens, in Brooklyn, in the Bronx, in Staten Island, Nassau, and Westchester Counties.

Our effort is to generate mortgages there from the people who live in the vicinity of our branches. We feel we should be serving the New York area, so that the number of VA and FHA mortgages that we have made may have been small but again we do not charge points, Mrs. Sullivan.

Mrs. SULLIVAN. Yes. And can you tell me what is the price range, and if you can't tell me now if you can supply it, what is the price range of most of the housing that you are financing?

Mr. ROEDER. I would have a difficult time answering that question offhand, Mrs. Sullivan. We do put a limit on the dollar amount. In other words, we tell our branches the manner in which they are to solicit mortgage loans and give them the forms. We emphasize to them that our effort is to keep each individual loan down. My recollection is at this point that we have said we prefer not to have mortgages in excess of \$45,000, again the idea being that we are not anxious to finance a \$100,000 house that someone is buying. We would rather finance the customer of our branch who is dealing with it and who hopefully keeps a safe deposit box or uses some other banking services in the area.

Mrs. SULLIVAN. This is what we would like to know. If you could look further into it and then correct the information when you get your transcript, I would appreciate it.

Mr. ROCKEFELLER. May I say one more word, please, Mrs. Sullivan?

Mrs. SULLIVAN. Yes, sir.

Mr. ROCKEFELLER. You made a point which I think is a perfectly valid one. High interest rates tend to hurt the small man and the small business perhaps even more than the large business. I think this is probably so.

I would like to stress that I think it is inflation which hurts the small man and the small business, and that interest rates are a product of that inflation. I think that this is an important point to make, because the implication of putting it the other way around is that the banks are raising interest rates out of malice, and are hurting small people out of their own desire. This is certainly not true.

Mrs. SULLIVAN. That is right. I realize that. It is just that the increased interest rate is going to spread it out again over the cost of whatever they are buying.

There is just one other thing, and you may not be able to give me this offhand. However, you could give it to us after you look over your transcript. Can you tell me how much at this time out of your total loans, what percent by type has been made for residential mortgage, for small business, and for consumer installment loans, and then also indicate whether or not the percentages of these loans to total loans have increased since the first of the year?

Mr. ROCKEFELLER. The categories you speak of amount to about 14 percent of our commercial and industrial loans. We have total

mortgage loans of around \$1,100 million. But the breakdown of loans I don't have at my fingertips.

Mrs. SULLIVAN. I think you could supply that more easily at a later date.

Mr. ROCKEFELLER. All right, we will be glad to see what we can put together for you on that.

Mrs. SULLIVAN. Thank you, and Mr. Chairman, I would like to have put in the record at the point of my first question to Mr. Rockefeller a clipping I have from the New York Times of June 22, 1969, entitled "Corporations Are Flooding Money Market With IOU's."

Chairman PATMAN. Without objection, it is so ordered.

(The information requested from Mr. Rockefeller pertaining to categories of loans by the Chase Manhattan Bank since the first of the year follows:)

"Our installment credit division loans up to \$50,000 per loan and our cash reserve and credit card loans on May 31, 1969 were approximately 5.9% of our total commercial and industrial loans on that date as compared with approximately 4.6% of our total commercial and industrial loans on December 31, 1968, at which time we had not entered the credit card field. Other loans to individuals, corporations and partnerships (other than money market loans and loans made by our International Department) in amounts up to \$50,000 per loan were approximately 2.4% of our total commercial and industrial loans on May 31, 1969 as compared with 2.2% of our total commercial and industrial loans on December 31, 1968. Our residential mortgage loans were approximately 8.2% of our total commercial and industrial loans on May 31, 1969 as well as on December 31, 1968. Loans in all of these categories increased in relation to total commercial and industrial loans from approximately 15% on December 31, 1968 to approximately 16.5% on May 31, 1969.

"We have not compiled statistics showing the prices of all houses we have financed but on May 31, 1969 we had outstanding approximately 33,210 residential mortgage loans aggregating approximately \$509,680,000 or an average of approximately 15,345 per loan."

Mrs. SULLIVAN. One other question I would like to ask Mr. Rogg. Does your association support the Teague bill to use veteran's insurance reserves for housing loans?

Mr. Rogg. We certainly do. That is H.R. 9476. We think this is not only a valid use of those funds to aid veterans to obtain housing, but we think it might be a breakthrough in having the Federal Government take the leadership in using funds of this kind for this important purpose.

Mrs. SULLIVAN. One last question, then. Would you also use other Federal trust funds for home mortgage loans?

Mr. Rogg. We would so recommend.

Mrs. SULLIVAN. Thank you.

Mr. Rogg. And would so recommend in the area of pension funds.

#### PRESS RELEASE ON CREDIT CONTROL ACT

Finally, Mr. Speaker, I submit the press release I issued today in announcing the introduction of my bill on standby consumer and business credit controls, as follows:

[For immediate release, Monday, Nov. 24, 1969, from the office of Representative LEONOR K. SULLIVAN, 2221 Rayburn House Office Building, Washington, D.C. 20515, Telephone: 225-2671]

Mrs. SULLIVAN INTRODUCES BILL FOR STANDBY POWERS TO REGULATE ALL FORMS OF CREDIT, INCLUDING BUSINESS CREDIT

Within hours after Secretary of the Treasury David M. Kennedy was quoted as believing standby controls over consumer credit "may be necessary", Congresswoman Leonor K. Sullivan (D-Mo.) today introduced a bill

to authorize the President to order the regulation not only of consumer credit terms but of all business credit, too, including so-called commercial paper.

The regulatory powers could be exercised only after the President made a finding that they were needed "to prevent or control inflation generated by the extension of credit in an excessive volume." The Board of Governors of the Federal Reserve System would administer the controls, at the President's direction, deciding the maximum amount of loans, minimum down payments, maturity periods, and the rates which can be charged.

"Secretary Kennedy's statement in the papers this morning that standby credit controls 'may be necessary' had nothing to do with my decision to introduce the bill," Mrs. Sullivan declared. "But it is interesting to me that he recognizes now the possible need for such legislation. I tried to get him to endorse the idea during hearings of the Banking and Currency Committee months ago, but he would not do so at that time. My new bill has been in preparation for many weeks, and was finally delivered to me by the Office of the House Legislative Counsel on Friday afternoon, so it was my intention to introduce it today in any event."

Congresswoman Sullivan, a ranking Member of the Committee on Banking and Currency and Chairman of its Subcommittee on Consumer Affairs, has tried for three years to get standby consumer credit controls enacted into law. An amendment agreed to in the Banking Committee in 1966 to restore such powers to the Defense Production Act of 1950 was defeated on the House Floor.

She revived the effort in 1967 in the original version of the bill which became the Consumer Credit Protection Act of 1968, which includes the Truth in Lending Act, but the consumer credit controls provision was dropped in Committee for lack of support at that time.

During hearings of the Banking Committee in June of this year on the increase in the prime rate, Mrs. Sullivan again brought up the possible need for standby controls over rates and terms of consumer credit transactions, and also raised the question of a need for regulatory powers over the terms of business credit. She pointed out then that so-called commercial paper, issued by banks and finance companies to raise short-term funds from corporations and big investors, was not subject to Federal regulation of any type.

Federal Reserve Board Chairman William McChesney Martin conceded at those hearings that commercial paper could be inflationary and contribute to the increase in interest rates generally. He said the possibility of Federal regulation of such credit should be studied.

Under the Sullivan bill introduced today, the President could authorize the Federal Reserve to "regulate and control any or all extensions of credit" for such periods as the President directed. Among other things the Board could:

- (1) require registration or licensing of credit grantors;
  - (2) prescribe the maximum amount of credit which could be extended in connection with any loan, purchase, or other extension of credit;
  - (3) prescribe maximum maturity, minimum periodic payments, and maximum periods between payments;
  - (4) set rates;
  - (5) obtain injunctions;
  - (6) instant actions for both civil and criminal penalties for violations. Maximum penalties would be \$1,000 fine and 1 year in jail.
- The bill is entitled the "Credit Control Act."

Congresswoman Sullivan declared:

"A predominant part of the Administration's fight against inflation seems to be devoted to the effort to tighten availability of credit, through higher and higher interest

rates. This effort has had the effect of pricing moderate cost housing, small business, and state and local agencies, out of the market for credit. It has not stopped inflation.

"Rather than continue to ration credit by price alone, I think the American people would be glad to have the burden of fighting inflation spread more evenly across all elements of the economy, by requiring reasonable restrictions on those forms of credit which are most inflationary. Obviously, there is far greater demand for credit than funds available, and under those circumstances, the big corporations which can afford to pay whatever rate is charged are getting all of the credit they need, while the home buyer, and the small businessman, and governmental subdivisions are out in the cold.

"Selective credit controls, which this bill would authorize, could be utilized to channel credit into those activities which best serve the national interest, rather than, as at present, those which return the highest profit. I am sure everyone in the home building industry will welcome this approach, and so will every citizen whose living costs have risen so sharply because of the high cost of borrowing money."

Mrs. Sullivan said she will try to have her bill considered either as part of other legislation now before the Banking Committee dealing with interest rates paid by banks and savings and loans to depositors, or as a separate measure.

#### THE LAW AND THE OBSCENE

#### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. ASHBROOK. Mr. Speaker, Harry M. Clor, associate professor of political science at Kenyon College, Gambier, Ohio, has written an important book which I am sure will receive little public attention or recognition. The title is, "Obscenity and Public Morality." The book is published by the University of Chicago Press.

Professor Clor's views and thoughts on obscenity are also available in condensed form in an essay published in the Denver Law Journal. This essay is cogent, balanced, and timely.

No one can deny that the obscenity industry is a burgeoning one. Even so, there are still many persons who would delay a major effort to solve the problems created by the pornographer and they would use as justification for delay the fact that there are too many other, more important issues at hand. On closer examination I think we will find that there are really few other questions which so often have such a direct and personal impact. Obscenity is hitting away at the senses of the American people through books and magazines and films, salacious advertising, and even comic-type books. Obscenity is entering the home, it is on the newsstands, and in the theaters, and in the mails, all in increasing quantities.

A recent article by the late Senator Everett M. Dirksen, published in Reader's Digest, noted:

Postal authorities are swamped with complaints from citizens objecting to the pornographer's lurid sex ads. In fiscal 1969 alone, 234,692 such protests were registered. A recent Gallup poll showed that 76 percent of the American people insist that tougher

laws are needed to keep obscene publications off newsstands.

As obscenity moves across the Nation in increasingly greater waves it carries in its path a breakdown in morality, a rotting that guts vital parts of society. Questions directed at controlling obscenity quickly expand upon examination into questions involving morality, the functions and duties of the State, the standards of society, enforcement, definition, and a multitude of other areas. In the introduction to his book Clor writes:

If the circulation of obscenity is to be controlled at all, then drawing the line requires the exercise of political judgment in the broadest and deepest sense. It is always hard to determine "in what the law is to bid restraint and punishment, and in what things persuasion only is to work." It is never an easy matter to acquire, and to combine, theoretical and practical wisdom, to reason rightly about fundamental principles, and to apply principles with intelligent sensitivity to changing circumstances. But the problems of obscenity and its regulation confronts the decision maker with more than the ordinary difficulties of judgment. This is due, in large part, to the variety and complexities of the factors which must be taken account of: moral, legal, social, psychological, and literary. Serious judgment on this subject requires consideration of the status of the moral values involved, the meaning of the First Amendment, the nature and effects of obscenity, the views prevailing among our citizens, and the nature and role of literary values.

Perhaps the question continues to arise—even though it does not seem to be of the same urgency as other issues—simply because so many important areas are involved.

Many of the people who speak on this question are totally committed to one or the other of the two opposed camps, they are either "moralists" or "libertarians," as Clor names them. For himself, Clor stakes out a middle ground at which he arrives by an interesting and well-planned course.

He says:

The good society must serve various ends and it must arrange compromises among them.

Mr. Speaker, there are many approaches to the question of controlling obscenity. Professor Clor has presented one of them and I think there is value in studying it:

#### THE LAW AND THE OBSCENE

(By Harry M. Clor)

In recent decades the controversy over censorship of obscenity in the United States has been growing in intensity. It is now assuming the proportions of a major social issue. If this is not our most important public problem, it has rather significant ramifications.

Since the early 1950's there have been four full-scale Congressional committee investigations and numerous state legislative investigations concerning the circulation of obscene and pornographic publications in this country. In Congress the "Gathings," "Kefauver" and "Granahan" committees have conducted extensive hearings and issued various reports embodying, among others, the following conclusions:

(1) The circulation of salacious literary and visual materials—including books, magazines and motion pictures—is widespread and is steadily increasing.

(2) The commercial exploitation of obscenity has become a highly efficient, large-scale business enterprise realizing enormous profits.

(3) Most of this material is designed wholly to arouse sexual passion, and much of it appeals to extreme, abnormal or perverted interests in sex and violence.

(4) In their form and in their contents these materials violate fundamental standards of morality or decency.

In 1954 the Kefauver Committee was informed that the gross mail order traffic in pornography was about 500 million dollars a year. In 1959 the Granahan Committee reported that the total interstate commerce in such materials had reached one billion dollars a year. Today, of course, these figures would have to be revised upward.

In recent years legislators have noted a pronounced trend toward the type of publication which specializes in detailed presentations of homosexual, lesbian, sadistic and masochistic sexual activity, in graphic descriptions of mass sexual orgies, and in what might be called the obscenity of violence. The obscenity of violence involves the interweaving of cruelty and sex, violence and sensuality. Novels and pictorial magazines of this kind frequently have as their dominant theme the systematic torture and degradation of unclothed women, who are vividly represented as enjoying and inviting this treatment.

Well, one may ask, so what? Publications appealing to the desires and attitudes just referred to abound in our society. They enjoy an expanding market and encounter multitudes of willing customers. But what is the political and social significance of these facts, and what, if anything, should the law undertake to do about them? Is this a real social problem, and one to which secular government should address itself?

On these questions Americans are deeply and often passionately divided. The debate among us usually takes the form of a confrontation between two groups which may be called, without too much distortion, the "moralists" and the "libertarians." The moralists are inclined to see the increasing circulation of obscenity and the attitudes associated with it as a sign of moral laxity, if not moral decay, in our society. They insist upon vigorous action by both public and private agencies to defend fundamental values. The libertarians are inclined to define the newer and more permissive attitudes toward sex as "social change" rather than "moral decay;" and they are disposed to welcome some of this change, or all of it, as a liberation from traditional constraints. Furthermore, the libertarian insists that it is no function of government to defend the moral opinions or dogmas of the day or to control the reading and artistic tastes of free citizens. The moralist replies that liberty is not license, and that government can certainly act against material which promotes juvenile delinquency, crime and perversion. The libertarian asserts that there is no reliable evidence whatever demonstrating that obscenity is a cause of anti-social conduct, and that, furthermore, the very concept of "obscenity" is vague and undefinable and may even be meaningless. The moralist answers that common sense and the practical experience of mankind teach us that vicious literature is harmful, and he accuses the libertarian of having abandoned common sense and the historic experience of mankind. The libertarian replies that it is just such thinking as this which has led to the suppression of great literature in the past and he accuses the moralist of insensitivity to both literary values and constitutional guarantees of freedom.

Much of this controversy centers upon the meaning and proper interpretation of the First Amendment's command that "Congress shall make no law abridging the freedom of

speech or of the press." The libertarian and the moralist approach the First Amendment with differing and sometimes sharply conflicting presuppositions. The libertarian brings to his interpretation of the First Amendment his doctrine of the absolute primacy of individual freedom in our constitutional and political order. Hence, he is inclined to regard "censorship" in any form whatever, as more destructive or more dangerous than anything that could result from obscenity. The moralist is likely to approach the First Amendment with the presupposition that some forms of censorship are simply inherent in the exigencies of social life. And he will sometimes insist that it is not just the freedom to do as we please but "rational freedom" our system seeks to promote. Finally, to his opponent's concept of individual liberty, the moralist will oppose the concept of majority rule—the majority wants laws to suppress obscenity.

It should be evident by now that this is a profoundly political controversy in the broadest sense of the word "political." The debate over the nature and effects of obscenity and over the meaning of constitutional guarantees is part of a larger conflict of views involving opposing ethical commitments and opposing social or political doctrines. The contestants disagree about the proper function of government in a free society, and perhaps they disagree about the very nature of civil society—the relative social importance of moral standards, freedom of expression and literature.

Given the inevitably political character of the issue, it is not surprising that, on both sides, polemic frequently substitutes for deliberation, and that, on both sides, passions and pre-conceptions frequently govern the organization and analysis of evidence. Some of our moralists are so concerned with considerations of decency and indecency that they fail to make any distinction between pornography and the writings of men like D. H. Lawrence and James Joyce—lumping them all together as obscene. Now the libertarian tends to be highly skeptical about considerations of decency and indecency. He is inclined to regard moral standards as matters of subjective and arbitrary opinion or, to quote Justice Douglas, "tastes and preferences." But he is not at all skeptical about the moral claims of individual freedom. The libertarian tends to be an ethical relativist with an absolute commitment to one principle—freedom of expression. These opinions deeply affect the way in which he approaches social problems such as that of obscenity. In particular, these opinions are substantial contributors to his evidently unshakable conviction that no harm could come from the unrestrained circulation of obscenity. He finds it impossible to believe that damage of any kind could ever result from freedom of expression—no matter what it is that is being expressed. The moralist often assumes, without much effort to prove it, that obscenity causes crime. The libertarian prefers his own unexamined assumption—the assumption that any form of censorship, no matter of what or why, is bound to result in wholesale destruction of freedom of speech and press.

However, in spite of the excesses and limitations of these two schools of opinion, the issues raised in the debate between them are fundamental ones, confronting us with the most perplexing questions concerning the relation of law to morality in a liberal society. What is the proper posture of government and law toward moral values and moral character? Does liberal-democracy require of government a strict neutrality toward virtue and vice on the assumption that these are private matters? Or, is there a substantial public interest in the maintenance of certain standards of moral character—a public interest which sometimes requires the support of law? If there is such a public interest how far does it go and how can its demands be recon-

ciled with competing public interests in literary freedom?

In 1957 the Supreme Court decided the landmark case of *Roth v. United States* upholding the constitutionality of federal and state laws against obscenity. The majority opinion delivered by Justice Brennan held that obscenity is not that kind of "speech or press" that the First Amendment was designed to protect. The First Amendment was designed to protect all ideas or expressions which have "redeeming social importance"—which excludes obscenity. Justice Brennan did not provide much explanation of what constitutes "redeeming social importance," but it is fairly clear that he intended that concept to include works of artistic value. However, Justice Brennan's main task was to provide a legal definition of obscenity—to determine what is that kind of literature called "obscenity" which is outside of the First Amendment's protection.

The *Roth* decision authoritatively adopts a liberalized definition of obscenity which had been emerging in the Federal Courts for several decades. This is the legal definition: Material "to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interests." Thus, of all the literary materials dealing with sexual matters only those are legally obscene which meet this fairly rigorous test. That the *Roth* test for obscenity is a liberalized one can be best illustrated by reading it this way: not children or some specially susceptible people—not the standards of a bygone or Victorian age—not some part of it taken out of context. Thus, a literary work can no longer be declared obscene because some particular passages of it would appeal to the prurient interests of children or others particularly susceptible. So, by means of these legal formulae, valuable literature is to be protected and materials predominantly obscene are to be censored. It is a compromise.

But there are a number of problems which remain unresolved in the *Roth* decision. What constitutes an appeal to "prurient interests?" Justice Brennan defines prurient interests in terms of "lust;" a literary work appeals to prurient interests when its dominant effect is the arousal of lust. But he does not make it clear whether "lust" means ordinary sexual desire or an extreme, perverted or debased form of sexual desire. Further, what are the contemporary community standards on sexual matters and how are these to be ascertained? Finally, what is to be done when a literary work which is found to appeal to the prurient interests of the average person is also found, perhaps by a judge with sophisticated literary tastes, to possess "redeeming social importance." It might reasonably be said that a work like *The Story of O* appeals to the prurient interests of the average reader; it may also be said that it contains some redeeming literary qualities. When these two considerations conflict, which should take precedence, and why?

The *Roth* decision can be read as a judicial effort to accommodate the requirements of the First Amendment and those public interests which are served by the regulation of obscenity—a struggle to satisfy the legitimate claims of freedom of expression and the legitimate claims of public morality. But these two sets of claims are left, as it were, in a tenuous balance. The *Roth* decision does not provide the means for resolution of conflicts between them. In its decisions after the *Roth* case the Court has sought to resolve these conflicts by moving in an increasingly libertarian direction. From *Roth* to the present the Court has steadily confined and restricted the operation of obscenity laws, extending the protection of the First Amendment to more and more types of publications.

One can date the libertarian breakthrough from the decision in *Manual Enterprises v. Day* in 1961. *Manual Enterprises, Inc.* was in the business of publishing magazines designed explicitly and exclusively to appeal to the prurient interest of homosexuals. These magazines consisted almost wholly of photographs of nude or semi-nude men in various provocative poses, singly or together. Advertisements in the magazine promised even more stimulating stuff. In the lower courts psychiatrists had testified for the government concerning the symbolic sado-masochism and psychological impact of the various poses and instruments presented. The prurient appeal of these materials was uncontested; neither was there any question of redeeming social or literary value. These magazines contained almost no text. There was neither an idea nor an artistic value in sight.

The lower courts all ruled that, under the *Roth* decision, these magazines are clearly obscene. But the Supreme Court reversed these rulings, holding the publications uncensorable. Justice Harlan's opinion admits that these magazines are prurient, worthless and wholly designed to commercially exploit the weaknesses of unfortunate people; but they do not sufficiently constitute "obnoxiously debasing portrayals of sex" to be legally obscene. Thus the court adds another test to its definition of obscenity—a test which it calls "patent offensiveness." To be legally obscene a publication must now be, not only prurient in the *Roth* sense, but also "patently offensive"—that is, wholly, self-evidently and extremely obnoxious to the great majority of the people. The majority of the Court now appears to believe that good literature is not safe from censorship unless materials like the *Manual Enterprises* publications are also safe.

In 1963 the Court took another major step down this particular road. It held that in deciding obscenity cases judges may not weigh and balance the prurient or patently offensive qualities of a work against its redeeming literary or other qualities. If a publication has any qualities whatever of literary or intellectual value the law may not reach it—no matter how prurient or patently offensive it may be. Now the smallest degree of artistic or intellectual content will suffice to save a publication from the law, even though the work as a whole be extremely prurient and obnoxiously offensive. Now, to be legally obscene a publication must be predominantly prurient and patently offensive and utterly without the slightest traces of artistry or intellectual content. It may be suggested that under these rulings nothing is obscene except the most extreme forms of so-called "hard-core pornography." Indeed, as the *Fanny Hill* case indicates, some writings traditionally regarded as sheer pornography must be released from all taint of obscenity under these rulings. This is a far cry from the *Roth* decision. It is not too much to say that the concepts and definitions of the *Roth* case have been progressively undermined. Perplexingly, the court continues to reaffirm that the "average-man, prurient interests" test of *Roth* is the legal definition of obscenity, while at the same time it continues to dismantle the definition and render it unworkable. As a result of this confusion, it becomes increasingly difficult for the members of the Court to decide how obscenity cases should be decided.

Where can the Court go from here? The following are four standard suggestions presented to the Court—all of them reflecting, in one degree or another, libertarian views.

(1) Why not decide openly and explicitly that only "hardcore pornography" can be subject to legal control. Why not confine censorship to materials which are utterly worthless, which contain nothing but sexual episodes and which present these in the most

gross and repulsive forms without any restraint whatever.

(2) The "clear and present danger" standard. Censorship is justified only when government can prove that a certain publication or type of publication is a probable cause of criminal acts or other grossly anti-social conduct.

(3) There should be no laws against obscenity as such. The only legitimate laws on the subject are those against "pandering"—that is, the reckless commercial exploitation of prurient materials, as, for instance, purveying them to children, or blatantly offensive public conduct in the dissemination of such materials. The Court has established some basis for moving in this direction in its recent *Ginzburg* decision which declares pandering to be an offense.

(4) Finally, complete abandonment of all legal control of obscenity—the position advocated by Justices Black and Douglas. Government should be concerned only with overt anti-social conduct—never with written or visual expression.

These four proposals differ only in the degree of their libertarianism. The first three of them would involve a substantial reduction in the law's effort to control the circulation of obscenity; indeed in practice they would amount to a massive retreat from the national policy of controlling obscenity.

The Supreme Court has drifted steadily toward the libertarian position without really exploring the claims of public morality in this area. The Court has backed away from the compromise of the *Roth* decision without squarely confronting the question—why do we have laws against obscenity; what are the reasons, or what is the rationale, for such laws. In decision after decision the Court has acted as if its sole responsibility were to maximize freedom of expression. We should not be willing to encourage any further dismantling of the censorship until we have seriously examined the case for legal control of obscenity.

The remainder of this essay is only an outline of that case, a statement of its rudiments. It is appropriate to begin with some discussion of what is obscenity, what is the nature of the obscene—not in the law—but in human life and in literature. Most definitions of obscenity confine it to sexual matters or, as they say, "lusts." This is not wrong but it is, in important respects, too narrow. If obscenity consisted only in sexual stimulations there would be little reason to speak, as we often do, of the obscenity of violence. A larger concept of obscenity is implied by the late Richard Weaver in his book, *Ideas Have Consequences*.

"Picture magazines and tabloid newspapers place before the millions scenes and facts which violate every definition of humanity. How common it is today to see upon the front page of some organ destined for a hundred thousand homes the agonized face of a child run over in the street, the dying expression of a woman crushed by a subway train. Tableaux of execution, scenes of intense private grief. These are the obscenities."

What is, or may be, obscene about such things? They do not portray sex or appeal to an interest in sex. They are scenes of violence, agony and death. No one would say that violence, agony and death are in themselves necessarily obscene, and one would not complain about the presentation of these things in the Fifth Act of *Hamlet*. But one can complain about a certain way of disclosing or looking at the most intimate private experience of human beings. In the portrayals referred to, the reader or viewer is invited to dwell upon the details—the physiological details—of human suffering and death. The viewer of these scenes is a stranger to the persons who are undergoing the suffering and dying; he can have no personal

interest in them. He is not invited by obscene publications to care about them as individuals. He is invited to dwell upon the physical aspects of their suffering and death in an emotional state which combines revulsion and enjoyment. In these portrayals and the passions they invoke not only are the most intimate aspects of human life revealed, but their human dimensions are reduced to their physical dimensions.

These reflections suggest two preliminary definitions of obscenity: (1) obscenity consists in making public that which is intensely private; it is an intrusion upon intimate physical processors and acts or physical emotional states. And, (2) it consists in the degradation of the human dimensions of life to a sub-human or merely animal level. According to these definitions, obscenity is a certain way of treating or viewing the physical aspects of human existence and their relation to the rest of human existence. Thus, there can be an obscene view of sex; there can also be obscene views of death, of birth, of illness, and of such acts as eating or defecating. Obscenity makes a gross public exhibition of these things and does so in such a way that their larger human context is lost or depreciated.

Obscenity is, after all, a kind of "reductionism." In its pure form its aim is to denude us—to strip us down—to strip away man's peculiarly human values, ends and functions, reducing him to a collection of animal functions and material things. In the broadest and most general terms obscene literature is that literature which invites and stimulates its audience to engage in this reduction or degradation. Now, for the purpose of judging literary materials there is a vital distinction to be made between literature which invites us to contemplate obscene or degrading aspects of human life and literature which is obscene and degrading. It is the distinction between an invitation to reflect upon—to gain insight into—human debasement and an invitation to wallow in it.

We need examples.

In Act V of *Hamlet*—in the well known "graveyard scene"—Hamlet comments upon death and its inevitable reduction of the human spirit to such stuff as may provide food for worms and stop a bunghole. The act concludes with a scene of violence and carnage. This is not obscene.

In the August, 1966 issue of the *National Enquirer* the headline tells us that a man has killed his son and fed the corpse to pigs. There is a photo of what is supposed to be the reconstructed head of the boy. Inside there is an article telling us how "more than seventy of the slobering animals devoured Alfio's head and torso." There is also a close-up photo of a man cut in half, and a photo of the blood soaked body of a man supposedly murdered by his son. There are stories about women being violated in strange ways, and there is a smattering of sexy pictures which one can relate to these and the other stories if one needs this stimulus to his imagination. This is obscene.

In Act V of *Hamlet* the audience is exposed to contemplations about the ultimate degradation of man to brute matter. The audience sees the details of this degradation through the eyes of Hamlet—a person in whose doings and sufferings it is deeply interested. In the *National Enquirer* these details are presented directly to the reader. They are not presented for contemplation; nor are they presented in relation to any person in whom the reader can have a human interest. There is nothing which stands between the reader and the spectacle of human beings reduced to brute force and decaying matter. The reader does not reflect upon the human condition; he leers at scenes of dehumanization. This is the obscene way of presenting death, violence and the human body.

The obscene way of presenting sex can be suggested by Fanny Hill in contrast to Lady Chatterley's Lover. In Fanny Hill, love or affection is reduced to sex and sex is reduced to an interaction of organs and parts of organs; not so in Lady Chatterley. In Fanny Hill, unlike Lady Chatterley's Lover, the characters are simply sexual objects which stimulate in the reader the desire for sexual objects. Fanny Hill, unlike Lady Chatterley's Lover, is predominantly calculated to arouse depersonalized desire. This is the obscene way of presenting sex, and this is what is meant by "stimulating lust"—the systematic arousal of passions which are severed from the social, affectional, aesthetic and moral considerations which make human relations human.

Now, nothing has been said yet concerning what the law should or should not do about these various forms of obscenity. This should depend upon a reasoned judgment concerning the effects of obscenity on human beings and upon understanding of what is the proper business of the law.

With regard to the influences or alleged influences of obscenity upon human beings, it is desirable to consider two kinds of possible effects. One may distinguish between effects upon conduct—more or less immediate effects upon overt behavior and effects upon mind and character—more or less long range effects upon values, attitudes and desires. Most of the contemporary debate is concerned with the first kind of effects. Many police, juvenile correction officials and some psychiatrists insist that there is a direct connection between the circulation of obscenity and crime or juvenile delinquency. Police and officials concerned with delinquency frequently find offenders in the possession of pornography or obscenity. In his testimony before the "Granahan Committee," Dr. Nicolas Frignito, Chief Neuro-Psychiatrist of the County Court of Philadelphia asserted that "Anti-social, delinquent and criminal activity frequently results from stimulation by pornography."

On the other hand, psychologists, sociologists and some psychiatrists frequently point to the absence of rigorous scientific studies demonstrating a connection between reading and anti-social conduct. They insist that such knowledge as we have of anti-social conduct points to much deeper causative factors than reading or viewing. A recent statistical study by the Kinsey Institute concludes: "Summing up the evidence it would appear that the possession of pornography does not differentiate sex offenders from non-offenders."

Summing up the evidence and arguments on both sides I am tempted to pronounce this particular contest a draw or a deadlock. There is evidence and informed opinion on both sides which can reasonably claim to be heard. And the evidence does not preclude a reasoned judgment that obscenity is sometimes a factor in the stimulation of anti-social behavior.

However, the argument that we are most anxious to make concerns the more indirect, long-range and subtle effects of obscenity upon mind and character. Common sense and informed opinion have long held that children can be powerfully influenced emotionally and intellectually by the stories they read and hear. It has always been thought dangerous to put sordid or demoralizing stories into the minds of children. What about most adults? Are they totally immune to the impact of materials which appeal to their sensuality while depreciating traditional moral values and humane sensibilities? The current circulation of obscenity among us would strongly suggest that many are not immune to the appeal of such materials. And it is difficult to argue that the mere legal fact of adulthood renders us unsusceptible to any influence or impact from them. Lib-

ertarian writers on this subject often speak as if adulthood in our society and its corresponding freedom to choose automatically carries with it the moral, psychological and intellectual requisites of good choice. Unfortunately, there is a considerable body of evidence to the contrary. The libertarian does not really wish to say that literary expression is powerless to obtain any hold on the normal adult mind. What he usually wants to say is that literature can have beneficial effects but not harmful ones; passions may be aroused to good ends but not bad ones; and the mind may be inspired with noble thoughts but not base ones. Such a view is, to say the least, untenable. People are influenced, for good or ill, by what they read and see, particularly if these experiences be continuous. There are good reasons for thinking that ordinary adults are not immune to the influences of obscenity. Two ways can be suggested in which these influences may operate.

They may operate upon deep-rooted passions and inclinations and, by means of them, affect attitudes and character. A man need not be particularly abnormal to be moved by appeals to dispositions which we all share and few of us have completely mastered. Hence, those who habitually indulge in lascivious, morbid or sadistic literature are encouraged to find satisfaction in lascivious, morbid and sadistic experiences. It is true that we often bring to such literature the wants which it fulfills. This is half of the truth; the other half is that such wants and inclinations can be reinforced and inflamed. The attitudes and inclinations which lead us to desire obscene experiences can be promoted and strengthened by repeated indulgence in such experiences. One can become habituated to seek unworthy satisfactions; and it is not only children or the mentally ill who are capable of developing unworthy interests and values.

However, the harmful results of obscenity need not be achieved in precisely this manner. The unrestrained circulation of obscene literary and visual materials could operate to break down moral standards by undermining the convictions and the sensibilities which support them. The ethical character of social man does not rest simply upon his reasoning or his moral doctrines. It rests primarily upon a delicate network of opinion, sensibilities and tastes—sometimes called the "finer feelings" or "moral sympathies." These finer feelings or moral sympathies can be blunted and eroded by a steady stream of impressions which assault them. Men whose sensibilities are frequently assaulted and undermined by prurient and lurid impressions may become morally desensitized—desensitized to the higher ethical and aesthetic discriminations. This is what is meant by an "erosion of the moral fabric."

Common experience informed by reflection argues that if men can be improved by good libraries, serious motion pictures and an ethically responsible press, they can be harmed or corrupted by the reverse of these. Obscenity can contribute to the debasement of moral standards and, ultimately, of moral character.

Can it be reasonably said that the organized community—the political community—has no right to be concerned with such influences as these which shape the minds and character of citizens? The libertarian says that the law can punish indecent acts, anti-social conduct and only that. But must government and law remain neutral until moral character has been debased and vicious impulses are about to break out into overt acts? Then it is probably too late. If the law must restrain immoral conduct, then it cannot be indifferent to forces in society which break down moral standards, weakening their hold upon conduct.

Anthropologists tell us that there is no known society which has failed to exercise

some censorship in matters relating to sex and the human body. We know of no society in which the regulation of these matters is left wholly to individuals or to spontaneous social groupings. Every society of men establishes public standards of decency. Why? Individuals cannot resolve these difficult and perplexing problems all by themselves; we all need guidance from the community in which we live. And, in the absence of authoritative public standards, it is difficult to see how children could grow up without confusion and disorder in the soul.

But public moral standards are particularly important for liberal society and republican government. Liberal society is interested in the moral character of its members because it depends for its survival upon citizens who have certain capacities for self-discipline or, as it used to be called, civic virtue. Republican government depends for its endurance upon a citizen-body which is willing and able to take an abiding interest in public affairs. It depends upon a citizen-body the members of which will devote their energies to long-range public interests and who can, when necessary, sacrifice private comforts and personal satisfactions for vital public interests. Now a people devoted exclusively to the gratification of sensual appetites is not, strictly speaking, a citizen-body at all. It is a collection of private individuals each absorbed in his own personal and self-centered gratifications. It has been observed more than once that a nation of debauchees would not have responded to Winston Churchill's call to blood and toil and sweat and tears. The "citizens" would have been unwilling to do so and they would have been unable to do so. What, then, would be the prospects for civic virtue in a society whose members are given over to the pleasures, passions and attitudes of the Marquis De Sade?

It is on the basis of considerations such as these that some political philosophers have emphasized the special connection between political freedom and moral virtue and have insisted that republican laws must address themselves rationally to the maintenance of certain virtues. A republic can and ought to concern itself with influences upon mind and character which undermine the moral prerequisites of its existence. It need not sanction unlimited sexual freedom. It can establish and maintain those public moral standards which are the foundation of responsible citizenship.

Now some libertarians will not deny the need for public moral standards, but they will vigorously deny that such standards require the support of law. Their arguments often imply that something called "society" spontaneously develops all the moral standards that are needed. Such sanguine assumptions about the moral self-regulation of "society" are seldom accompanied by evidence or sustained argument. It is frequently asserted that moral guidance and moral restraint should be in the exclusive care of public opinion, of the family and the church. But if public opinion is to be a moral influence, from whence is public opinion to receive its moral guidance? As for the family, this institution is largely a product of the values which prevail in the community; it is not an autonomous social force capable of independently generating values. And it is interesting to note that, while libertarians are insisting upon the exclusive moral role of family and church, increasing numbers of parents and churchmen are appealing to the law for support against obscenity. Experience indicates that public opinion, family and church cannot perform their moral functions without some support from law. Public moral standards are required, and private agencies cannot be confidently relied upon to provide them.

The legal control of obscenity can contribute to the maintenance of public moral

standards in two ways: First, by preventing or reducing some of the most corrupting influences and, secondly, by holding up an authoritative standard for the guidance of public opinion and individual judgment. Legitimate censorship is not designed to prevent the circulation of all literature which might have an immoral influence. It aims primarily at the most vicious materials, and it seeks, not directly to shape the minds and characters of citizens, but to restrict some of those influences in modern society—such as the mass media—which shape mind and character in harmful ways. The effects of censorship upon these influences are not confined to specific books or motion pictures which the censor condemns. Its more significant effects are those of deterrence. Publishers are deterred from publishing, and authors from writing materials which cannot legally be circulated. But laws against obscene publications will have a more subtle, and perhaps more profound consequence. Such laws announce a moral decision of the community arrived at through its official organs. They assert, in effect, that the organized community draws a line between the decent and the indecent, the permissible and the unpermissible. Individuals may, of course, step over the line, but they have been made aware that there is such a line. They are made aware that the community in which they live is committed to a distinction between what is decent and what is not. In the long run this awareness must have an educative effect upon the moral attitudes and dispositions of most people. We would argue that this educative moral function—this establishment of authoritative standards—cannot be accomplished without the aid of law.

In the light of the foregoing discussion, the following might be suggested as a model for the legal definition of obscenity. A book, story, magazine, or motion picture is obscene when its *dominant* tendency is to produce any of these four effects:

- (1) Arouse lust or appeal to prurient interests.
- (2) Arouse sexual passion in connection with scenes of extreme violence, cruelty or brutality.
- (3) Visually portray or graphically describe in lurid detail the violent physical destruction, torture, or dismemberment of a human being.
- (4) Virtually portray or graphically describe in lurid physical detail the death or dead body of a human being, provided these things are done to exploit morbid or shameful interest in these matters and not for genuine scientific or artistic purposes.

Now, if any work embodying these obscene properties be also found to embody any literary, aesthetic or other values, these must be weighed and balanced against its obscene elements. If a work is to be censorable its obscene elements must clearly outweigh its redeeming values. In doubtful cases the benefit of the doubt must be given to freedom of expression. And there must be no censorship of literary classics or genuine intellectual discussions of sexual matters. Obscenity, as defined here, is not a "discussion" or "argument" about sexual matters.

This formulation will be unacceptable to the extreme moralist and the extreme libertarian. The moralist will reject it because it leaves much of the world's "obscenity" untouched by the law—it allows for too many concessions to evil. The libertarian will reject it because it allows for too many concessions to public authority—it compromises with individual liberty.

Neither the extreme moralist nor the extreme libertarian will compromise, because each is, in his own way, a purist or an absolutist. Each is in his own way a man of one principle and one purpose. But the Good Society cannot be devoted wholly to one principle and one purpose; it cannot be de-

voted simply to morality or wholly to individual liberty. The good society must serve various ends and it must arrange compromises among them.

The moderate democrat does not delight in censorship, and he should not delight in it; he should be aware of its dangers. But he can learn how to use it, with restraint and moderation, for the promotion of public standards which democracy needs and which our contemporary society urgently requires.

#### CITATION FOR BRAVERY

### HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mrs. HECKLER of Massachusetts. Mr. Speaker, to give up one's own life in order that others may go on living is the supreme sacrifice. Needham, Mass. son, Pfc. John A. Barnes III, U.S. Army, will be honored as a patriot and as a great American—an American who was brave enough to sacrifice his own life so that his wounded comrades could continue to live.

John A. Barnes' act of heroism transcends the politics of our day and elevates his memory to the highest plateau of human dedication. The deed that he performed was testimony of a firm and unyielding commitment to his fellow man and country. A both grateful and saddened America wishes to express sympathy to the family of John A. Barnes. Our Nation shall also feel his loss.

I submit the text of the citation awarding posthumously the Medal of Honor to Private Barnes. Such courage should stand forever recorded in the annals of American history.

#### CITATION

The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor posthumously to Private First Class John A. Barnes, III, United States Army, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:

Private First Class John A. Barnes, III distinguished himself by exceptional heroism on 12 November 1967, while engaged in combat against hostile forces in Dak To, Republic of Vietnam. Private Barnes was serving as a grenadier when his unit was attacked by a North Vietnamese force, estimated to be a battalion. Upon seeing the crew of a machine gun team killed, Private Barnes, without hesitation, dashed through the bullet swept area, manned the machine gun, and killed nine enemy as they assaulted his position. While pausing just long enough to retrieve more ammunition, Private Barnes observed an enemy grenade thrown into the midst of some severely wounded personnel close to his position. Realizing that the grenade could further injure or kill the majority of the wounded personnel, he sacrificed his own life by throwing himself directly onto the hand grenade as it exploded. Through his indomitable courage, complete disregard for his own safety, and profound concern for his fellow soldiers, he averted a probable loss of life and injury to the wounded members of his unit. Private Barnes' conspicuous gallantry, extraordinary heroism, and intrepidity at the cost of his own life, above and beyond

the call of duty, are in the highest traditions of military service and reflect great credit upon himself, his unit, and the United States Army.

**CONGRATULATIONS TO HOLLISTON, MASS., FOR PROTECTING THE LIVES OF THEIR ELEMENTARY SCHOOLCHILDREN**

**HON. HAROLD D. DONOHUE**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. DONOHUE. Mr. Speaker, a great deal can be accomplished in a great many areas by applying the effective combination of commonsense with prudent spending.

When the application of this wholesome combination results in saving the lives of young schoolchildren I most earnestly believe that accomplishment is in our national interest and merits the concentrated study of every public officer, particularly school officials, in the country.

Therefore, I am especially pleased to include, at this point, an enlightened editorial, recently broadcast over WBZ-TV and radio stations, in Boston, Mass., explaining the steps the town of Holliston, Mass., has taken to preserve the lives and safety of their elementary schoolchildren. In effect, the editorial suggests to the responsible officials in every community in the Nation to "Go thou, and do likewise," which, in this instance, is obviously excellent advice. The editorial follows:

**HOLLISTON SHOWS THE WAY**

(Delivered by Winthrop P. Baker, general manager, WBZ-TV and John Lightfoot, general manager, WBZ Radio)

We've been pushing for improved school bus safety. Last week we got a call from a listener suggesting we take a look at what was being done in the town of Holliston, some 25 miles southwest of Boston. We did and found a story worth telling—an example worth following.

Holliston this fall has started a two-phase monitor program involving both parents and substitute teachers. The Holliston Elementary School Parents Organization has set up a volunteer program of supervision at 50 of the bus stops in town. That's still not complete coverage. But where the system operates it provides maximum protection against one of the most common types of fatal accidents involving younger children: the ones on which youngsters are run over by buses as they move off from a stop.

The unique part of the Holliston program is on the buses themselves. School officials have assigned monitoring duty to two substitute teachers, who rotate this work with days in class. Under this system each of the town's 34 elementary and middle school bus routes is monitored for at least two consecutive days. Discipline is checked and children are given instruction in safety both on the bus and getting on and off. School officials feel there's a big advantage in having this work done by teachers, whom the children also see working in the schools. The cost of the program is minimal—\$8 a day for the teacher doing the bus duty. The dividend in safety can't be accurately measured. But there's no doubt it's there.

As we've said before, we'll support legislation next year to require school bus monitors, a seat for every child and use of seat

belts. But good safety programs don't require new laws. Communities themselves can take the lead now with some imagination, parent cooperation and a very small cash outlay. Holliston has done just that.

**BROADCAST ON RADIO**

November 14, 1969—6:35 a.m.; 8:35 a.m.; 12:10 p.m.; and 3:05 p.m.

November 15, 1969—6:15 p.m.

**BROADCAST ON TV**

November 13, 1969—6:00 p.m.; and 1:00 a.m.

November 14, 1969—12:00 noon.

**EXTEND PESTICIDE INDEMNITY**

**HON. DAVID R. OBEY**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. OBEY. Mr. Speaker, several weeks ago, along with 10 other Members of this House, I introduced a bill, H.R. 14029, which would extend to dairy manufacturers indemnity payments for milk products removed from the market because they are found to contain pesticide residues. Similar indemnity payments are already available to dairy farmers whose milk is rejected because it contains pesticide residues, and payments have been made under this program to farmers in 31 States.

Senator WILLIAM PROXMIRE and 20 cosponsors have just introduced companion legislation in the Senate, and I have also been informed by the Land O'Lakes Creamery of Minneapolis, Minn., that they are in support of this bill.

Mr. Speaker, recently support for this bill has also come in the form of editorials in two of our most respected agricultural journals, *Hoard's Dairyman*, published in Wisconsin, and the *Dairy Record*, published in Minnesota.

The two editorials follow:

[From the *Hoard's Dairyman*, Nov. 25, 1969]

**EXTEND PESTICIDE INDEMNITY**

Five years ago, the Congress passed a bill which indemnifies dairy farmers for losses when milk is found to contain pesticide residues. Of course, the contamination must not be the result of negligence on the part of the affected farmer. But Congress appreciated the fact that the widespread use of pesticides, combined with the government's strict requirements with reference to milk, made it inevitable that many innocent dairymen could be hurt.

Now bills have been introduced to extend the indemnity to manufacturers of dairy products. In our opinion, the extension of the protection is fully justified. We doubt that aggregate costs will be very high but the impact on any one or a few persons or firms can be severe.

The only alternative to the government action would be some form of special casualty insurance. We suspect, however, that such insurance, in the aggregate, would be far too costly for the benefits paid. In other words, it is possible that the costs of premiums, which are deductible as a business expense for tax purposes, might cost the government far more in lost revenue than the indemnities which are paid.

[From the *Dairy Record*, Nov. 12, 1969]

**SHOULD INCLUDE PROCESSORS**

The bill to amend Public Law 90-484, which provides indemnity payments to pro-

ducers, to broaden it to make dairy manufacturing and processing firms eligible to receive indemnity payments for pesticide residues in milk, makes sense.

The measure is being pushed by the Wisconsin Cheesemakers Association but it is one that should have the backing of all processing and manufacturing organizations.

As the law now stands, producers are indemnified against losses when their milk is found to contain pesticides but there is no protection for milk manufacturers and processors. They, in fact, can suffer far greater losses than individual dairy farmers inasmuch as the industry has gone almost completely to tankers and the milk from one or two producers, when mixed with a tank load of milk, could ruin an entire batch of products processed or manufactured from it.

During the past year there have been at least two instances of cheese being condemned because it contained pesticides and presumably the plants had to stand the loss, despite the fact that they were entirely innocent.

The whole problem of pesticides is a knotty one. A dairy farmer could buy feed that contained pesticides or his own crops could be infected, as the result of an adjacent farm being sprayed with pesticides. In either case, he would be innocent but he has the protection of indemnification.

The milk processor, however, has no such protection and, in all fairness, it should be extended to him.

That is why Dairy Record urges that producer organizations, as well as processor groups, present a united stand in asking Congress that processors and manufacturers be indemnified for any losses which might be incurred.

**WE DO EXPECT TOO MUCH**

**HON. ANCHER NELSEN**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. NELSEN. Mr. Speaker, many of us are guilty of harboring rather unrealistic expectations about what our President can do in a brief period of time. In a recent column, Sidney Kienitz, publisher of the *Good Thunder Herald*, *Good Thunder*, Minn., casts some sensible light on this strange phenomenon. I submit it for inclusion in the *RECORD* at this point in my remarks:

A Mankato friend of mine who also happens to be a Democrat, recently said he would like to see me write a few comments about Richard Nixon, especially since his recent speech. So here goes.

Richard Nixon may not be our greatest president—time will tell. But I think we ought to face the fact that Dick Nixon did not start that fuss in Asia. It's sort of as if your Uncle Sam died and left you a nice tame tiger with only one bad habit; that of liking to eat people.

For some reason or other we expect a man to step into the presidency fully prepared to solve all of the problems facing us and the rest of the world.

If you hired a man (or woman) to wash dishes in your restaurant you would expect it would take a while to know where to find the soap, how hot the water should be and where to stack the dishes.

But we expect a president to step right into office with a fully prepared "do it yourself" kit to solve all of the ills of the world.

A president is expected to have more talent than a dishwasher, or even the head of a big department store. He is expected to have a

large talent for picking a lot of the right people to do a first class job with agriculture, industry, human relations, race & color, finance and a host of other matters. He is faced with a number of members of a group called the Congress who did not want him there.

He is commander of our armed forces though his highest rank may have been like Capt. Harry Truman, Lt. Commander John Kennedy, Col. Teddy Roosevelt or Gen. U.S. Grant.

Abe Lincoln, if my memory serves me right, was a captain of militia in some sort of an Indian uprising. We did have a pretty fair general named Ike, too.

But it gets back to the fact that we expect instant know-how from our top man the moment he reports for work on the first day. Possibly some of our computer experts can develop a robot that will do the chore.

#### SWISS CHEESE

### HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. KARTH. Mr. Speaker, that distinguished and highly effective advocate for the American consumer, Ralph Nader, has characterized the President's consumer message as "Swiss cheese." Indeed, it is.

The Nixon administration had an opportunity to strike a real blow for freedom for the American consumer. But it blew the chance. Instead of a meaningful proposal, it has opted—as Mr. Nader says—for a message with "all the earmarks of a J. Walter Thompson production."

Mr. Speaker, this reaction to the President's message is in the November 22, 1969, issue of the *New Republic*. I believe many of our colleagues may find the article interesting, and I include it at this point in the *RECORD*. The article is appropriately, and simply, titled, "Swiss Cheese":

SWISS CHEESE  
(By Ralph Nader)

The President's consumer message, delivered to Congress on October 30, has all the earmarks of a J. Walter Thompson production. The President calls it a "buyer's bill of rights," but it turns out to be a buyer's bill of goods. Someone, presumably Mr. Nixon's consumer adviser, Mrs. Virginia Knauer, knows what troubles consumers, for the message does recognize important consumer issues. But the remedies are weak or wrong. Secretary of Commerce Maurice Stans and White House aides, including Bryce Harlow (a former anti-consumer lobbyist), Peter Flanigan and Richard Burress, reduced to nullity one laudable proposal after another during the strained and often sharp fighting that went on before the final draft was finished.

In section after section, the message proves disappointing. The federal consumer class action proposal is made contingent on a "successful government action" to prevent "harassment of legitimate businessmen." This is a creative emasculation; it makes a class of aggrieved consumers wait until a government action is successfully concluded, before going to the federal courts to secure justice for themselves. Apart from the delay and apart from whether the government chooses or has the resources to take important consumer fraud or injury cases, to hold up essentially procedural rights of easier access to

the federal courts on such a political contingency is reflective of the politics that turned the message into swiss cheese.

The President proposes setting up a new Consumer Protection Division in the Department of Justice, with investigative powers and authority to intervene on behalf of consumers before federal agencies and to appear in certain judicial proceedings. At a press conference, Assistant Attorney General Richard McLaren said that the Division's staff would include about 50 professionals, but would start with about 20. Since the Department still hasn't filled the single existing post of consumer counsel, even that modest staffing can be viewed skeptically. More important, the new Division was preferred to an independent agency of consumer protection that would have broader powers and resources. Since the Justice Department is the lawyer for government agencies, conflicts of interest between various arms of the Department and the Consumer Division are bound to arise. When the controversies are of great moment, consumer protection will get less attention than the mega-corporations and trade associations with their indentured regulatory agencies.

What does this "buyer's bill of rights" promise for consumer education, and the release to the public of information about government-tested products? The consumer's need to know what he's paying for, his need to be able to choose more wisely is recognized. But it is then torpedoed by the recommendation for "disseminating general information" produced by government from its tests of products it procures, such as drugs, light bulbs, detergents, appliances, electrical equipment, blankets and tires. The key word here is *general*. For well over a year, memos have been circulating between the White House, Bureau of the Budget and the rest of the Executive Branch on releasing *specific* test information, by brand name. The Johnson Administration prepared a report that favored such disclosure, and some officials—Secretary of HEW Wilburn Cohen, for one—vigorously supported it. The Nixon message ended any hope that will be done.

The National Commission on Product Safety has been holding hearings and gathering evidence on the large number of products that are harming hundreds of thousands of people in their homes, because of inadequate design or construction—from color TV sets to washing machines, power lawn mowers, glass doors, toys. The Commission will complete its two-year statutory tenure next year. The Nixon message declares that its labors will be carried on under surveillance by Mrs. Knauer's office, and some vague new legislation.

References to further studies (guarantees and warranties, consumer finance), assurances of future action but without any specifics (OEO activity for poor consumers, aid to states and localities) and the absence of long-awaited regulation of medical devices and safety equipment further illustrates the Administration's anemia on consumer matters. A sleeper in the message, designed to give the government's imprimatur to testing by private laboratories or groups, paves a way for conferring quasi-official status on industry's own standard-setting bodies. The President would let companies advertise the governmental imprimatur on the testing group that they, the companies, retain. This has long been wanted by industry's technical societies.

There are some unequivocal proposals in the message. Mr. Nixon reiterates former Administration suggestions that the Federal Trade Commission be empowered to seek preliminary injunctions against unfair or deceptive business practices; it clarifies the FTC's jurisdiction over consumer abuses that "affect" interstate commerce. Mrs. Knauer is instructed to develop a *Consumer Bulletin*, which will publish notices of hearings, proposed rules, final orders and other

pertinent information in language intelligible to Americans who do not belong to the tight-knit Washington world of bureaucrats and lobbyists.

Mrs. Knauer's office would become permanent by statute, if the President's recommendation is accepted by Congress. But she is still limping along with a tiny professional staff of under two dozen, and the prospects for more funding do not envision breaking the \$1 million a year barrier. Outwardly, Mrs. Knauer has played the good team sport. It will be more difficult, however, for her to simulate satisfaction when she testifies this month before Congress on Rep. Benjamin Rosenthal's bill to establish an independent consumer protection agency with a beginning staff of 1000 consumer defenders. The agency Congressman Rosenthal has in mind would process consumer complaints in the manner of an ombudsman; it would have power to investigate consumer abuses by corporate and governmental institutions, develop new ideas and prototype hardware for safer products, research serious servicing problems, and innovate computerized ways to reach consumers with product and market facts they can use when they are actually at the point of buying something. The agency, proposed in legislation shortly to be introduced by Rosenthal with the probable initial support of at least 100 congressmen, would have no regulatory powers. It would not attract lobbyists. Rather it would be a comprehensively staffed consumers' advocate before regulatory agencies (utility rates, safety standards, anti-pollution standards, freight and passenger rates, customer service) and government departments.

For a Republican Administration and its backers, President Nixon's consumer message may seem a big step forward. But to millions of consumers who are regularly being bilked, and whose health and safety are being impaired by shoddy products and poor service, the White House's entry amounts to timid tip-toeing.

#### A TRIBUTE TO THE LATE MICHAEL KECKI

### HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. ROONEY of New York. Mr. Speaker, I joined with the entire Polish-American community in sadness earlier this month upon learning of the passing of my good friend, Michael Kecki, who, for almost four decades, was known as the voice of Poland in New York.

Michael Kecki conducted, over radio station WLIB in New York, a weekly Polish-language program called "Voice of Polonia," and was known throughout the entire country for his untiring work in behalf of Polish freedom. Mike was active in many Polish-American societies and organizations and he served them and his adopted country well. Along with millions of other Poles in this country he never ceased his efforts to bring to reality the dream of Polish independence. The Polish Government in exile awarded him the "Polonia Restituta," its highest civilian honor for his efforts on its behalf. In addition, he was twice awarded the Golden Cross Medal and Polish-American societies across the country have honored him many times. Mike was born in Warsaw 62 years ago and after attending King Wladyslaw High School

there and a military institute he came to this country in 1930 and worked for the Polish publications *Kurier Narodowy* and *Nowy Swiat*.

Mike Kecki and his lovely wife, Natalie, had two fine children and I had the privilege in 1964 of appointing his son, Thomas Michael, to the U.S. Military Academy at West Point. Lt. Thomas Michael Kecki, U.S. Army, is now on duty in Germany. Michael Kecki was a good friend and shall be missed sorely not only by me but by the thousands who knew him and his fine work. To his wife Natalie, his son, and daughter, Natalie Alice, and his sister and family in Poland, the Rooneys extend their deepest sympathy and prayers in this sad hour.

#### VICTORY AT CEDAR CREEK

### HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, in the fight against water pollution, the factor too often missing is: leadership. Leadership is what Del Cook supplied in achieving the victory at Cedar Creek.

Mr. Cook lives on the stream that wanders through 32 miles of farmland and a dozen small cities a half hour's drive from downtown Milwaukee. One day 6 years ago, Del Cook found Cedar Creek afloat with dead fish, killed by pollution. Since then, Del Cook has produced industrial polluters, poked up municipal polluters, recruited other residents into the Cedar Creek Restoration Council, and got after reluctant enforcement officials.

Today Cedar Creek runs clear again. And largely because of the leadership of Del Cook.

Mr. Speaker, I am inserting in the RECORD at this point a recent article from the Milwaukee Journal reporting the accomplishments of Del Cook and the Cedar Creek Restoration Council. I strongly recommend this article to any American who still wonders what he can do about water pollution:

[From the Milwaukee Journal, Nov. 16, 1969]

#### VICTORY AT CEDAR CREEK

(By Paul G. Hayes)

Cedar creek runs clean again.

It's only 32 miles of Wisconsin's 33,000 miles of rivers and streams, but its waters are clean now, and they weren't five years ago.

It took hundreds of people, many of them reluctant, and tens of thousands of dollars, much of it spent begrudgingly, to clean up Cedar creek.

The people—illegal polluters and permissive public officials—were spurred to action incessantly, often brutally, by Delbert J. Cook, who lives alone on the stream in the town of Cedarburg.

Cook's reputation as a pest is firmly established. Officials say they respect the work he's done, but they object to his tactics.

No one adds that, so far as is known, those are the only tactics that have been shown to work.

Because, so far as is known, there is no other 32 mile stretch of stream in Wisconsin that once ran polluted, but now is clean.

State officials were invited to cite comparable cases, but did not, or could not.

So the fact that Cedar creek runs clean is a big story.

But a bigger story is what you have to do to clean up rivers.

You have to spend five years, averaging more than a meeting a week.

You have to walk up and down the stream banks to find the individual violations of your neighbors. You have to be willing to file suit against the more stubborn of your neighbors. You have to wade into the stream and drag out trash by the truckload.

You have to write dozens of letters to state officials, and your tone must be something like this excerpt from one of Cook's letters:

"There are other cases where I feel you have not done right by us."

"The procrastination on the ditch effluents on Western av. in Cedarburg.

"Your minimizing the oil discharges at the Kiekhaefer plant in Cedarburg.

"The fuzzy approaches to Libby's part in the two recent major fish kills.

"The delays in getting the solid waste fill removed from John Blank's land along the creek.

"And many more."

#### FOUND DEAD FISH

You have to be very, very angry. And you have to be willing to be very, very lonely.

Cook became angry one morning in 1963 shortly after moving into his remodeled barn-home when he found the creek heavy with dead fish, suffocated when pollutants consumed the stream's oxygen.

"Oldtimers had accepted this happening every year or two," Cook said. "You know, the general attitude was that nothing could be done about it."

At the time, Cook was leader of the Deckers Corners 4-H club. It chose cleaning up the creek as its annual conservation project.

#### COUNCIL FORMED

"Really, it seemed like an A-B-C thing," Cook said Saturday. "You know, here's the law, here's the situation. Violators should be cited and operation corrected.

"But it's taken five years. State laws give violators 10 days, or 30 days, or a 'reasonable time.' Well, five years is not a reasonable time."

Cook formed the Cedar Creek Restoration council, which held annual cleanups to drag out a century's accumulation of trash and made annual surveys of sources of pollution.

These were the polluters:

The Jackson sewage treatment plant, built in 1939 for 250 people, but overloaded with the sewage of 500 people in 1960.

Libby, McNeill & Libby food canning plant, whose carrot wastes were suspected of causing two fish kills in 1968.

The Level Valley dairy on the north branch of the creek, with an old septic system that contributed whey to the stream.

Justro Foods, west of Ozaukee county trunk I, which makes animal food out of slaughterhouse by-products.

The Kiekhaefer Corp., outboard motor factory in Cedarburg, from which the stream gets doses of a water soluble lubricant.

The Cedarburg sewage treatment plant, also overloaded.

Dozens of malfunctioning septic tanks that drained into the stream from farm homes and small businesses.

Some homes that flushed their toilets directly into the stream.

Most of the industrial polluters have put in treatment facilities. Cedarburg and Jackson have completed plans for sewage treatment plant expansion and are awaiting federal and state funds.

The details of how each polluter was persuaded to stop polluting would make several stories, each filled with accounts of meetings, occasional legal action, each with a fresh set of faces, many of them red with anger.

But in each narrative would be heard Del Cook's domineering voice, slowly, doggedly, uncompromisingly pounding home a point.

#### FEW REALLY CARE

"There is a small minority of people that actually really care," said Cook. "You get applause at meetings. You get favorable publicity. But when it comes right down to sharing the problem across the table, many times you are just almost alone.

"And it's a very lonely feeling. Particularly when you're with people you've known, friends and acquaintances, and when the line is really drawn, they're on the other side. Except very, very few."

Thomas Kroehn, district director of the state natural resources department states frankly that Cedar creek has gotten more state attention than any other stream in southeastern Wisconsin, and that Cook is the reason.

#### KROEHN CHEERFUL

A cheerful, thorough administrator and engineer, Kroehn has weathered Cook's pressures philosophically. He generously credits Cook for Cedar creek's restoration.

That is Kroehn's manner. Like most public servants, he stresses instances of co-operation from the polluters rather than the cases of stubbornness. When Kroehn mentions a name, it's in praise. When Cook mentions one, he's usually critical.

"It's much easier for Tom to go into a company, a factory, an industry with a friendly persuasion attitude," said Cook.

#### OFFICIALS RESIST

Cook has wanted Kroehn to adopt a firmer manner \* \* \*.

But Cook adds that local officials—town and county officials—are the hardest to spur to action because they also are friends and neighbors of the polluters.

Cook, a rugged looking 59, divorced, makes his living as a free lance marketing consultant. He is now building a second home on the creek. Its frame will be the white oak timbers of a 125 year old barn he dismantled and moved to a more isolated stretch off Pleasant Valley Rd., where the creek flows clear and cold through marsh grass.

He has become known around the state for his leadership of the Cedar Creek Restoration council and has been asked for advice by other communities interested in forming similar groups.

#### DRINKS FROM CREEK

He has other remarks:

"I drink water out of the creek," he said. He does so even though such a practice is inadvisable on any stream, no matter how clear.

"I go down there and cup my hands and take a drink right out of the stream.

"And it's such satisfaction to be able to say, as I did yesterday (in a speech to a conservation group): 'Ladies, you can swim anywhere in the creek.'"

#### ART MCBRIDE HONORED FOR INSTALLATION OF TWO-WAY RADIO COMMUNICATIONS IN CLEVELAND TAXICABS

### HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. FEIGHAN. Mr. Speaker, I wish to acknowledge the highly laudatory and successful efforts of the Motorola Corp. in demonstrating the adaptability of two-way radio communications to the taxicab industry. Motorola installed the first such

system on October 15, 1944, for the Cleveland Yellow Cab Co. This historic occasion was honored on October 15, at a banquet attended by national leaders of the International Taxicab Association, representatives of the communications industry, and State and local officials. The presentation of a silver microphone award was made to Art McBride, president of the Cleveland Yellow Cab Co., by Dale Baker, Motorola communications and electronics vice president and north central area manager.

Thanks to the accomplishments of the Motorola Corp. two-way radio has enabled the taxicab industry to improve both their service and customer relations, thus accelerating the growth of many small and medium size cab companies. In addition, the installation of two-way radio units in taxicabs has allowed the taxi companies to play a prominent role in Community Radio Watch, a national public service program aiding the efforts of police and safety departments by serving as extra no-cost eyes and ears in the protection of the community.

#### WASHINGTON REPORT

### HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. CUNNINGHAM. Mr. Speaker, I periodically make a report to the people of the Second Congressional District of Nebraska whom I have the honor to represent in the U.S. House of Representatives.

This is my fourth report for the 91st Congress:

THE WASHINGTON REPORT OF CONGRESSMAN GLENN CUNNINGHAM, SECOND DISTRICT, NEBRASKA, NOVEMBER 1969

DO WE TAKE OUR BLESSINGS FOR GRANTED?

DEAR FRIENDS: You will be receiving this report a day or so before sitting down to your Thanksgiving Dinner. I would like to devote, in this time of turbulence, a few words on what it means to all of us.

Thanksgiving is a treasured and cherished institution in our land . . . a time when families and friends throughout America join together.

Too many times we take our blessings for granted as we celebrate Thanksgiving, forgetting that part of our heritage is living in the greatest nation under the sun.

The seed of this country was sown with the rugged voyage of the Mayflower. If those hardy souls aboard that ship had lost their faith with providence and themselves during the terrible ordeal of their first winter at Plymouth, civilization—as we know it—could have been delayed for centuries. The Pilgrims, in their pursuit of freedom in individual beliefs, brought to life the first experiment in liberty, which indelibly marked America as the land of opportunity. It is interesting to note, too, that nobody met these people with handouts from the public purse or special favors; yet, they asked God's blessings and gave thanks for His deliverance.

The Pilgrims were the forerunners of the pioneers who opened a trail westward across the vast expanse of America and into our beloved Nebraska. The difficulties that confronted them were beyond description, but

raw courage and hard work overcame the obstacles.

As we look around us in this year of 1969, we find ourselves beset with many problems—both domestic and international. Truly, it is a time to seek guidance for ourselves from a superior force and to pray that those who lead our country in troubled times are endowed with the wisdom essential to preserving America for us today and for those who will follow.

#### PLATTE RIVER DAM AND RESERVOIR

Many words have been written and spoken on the proposed Platte River Dam and Reservoir. A formal report is in the making for next spring following last week's hearings in Omaha and Lincoln.

As I have stated before, I am opposed to the inundation of productive areas and towns of historical significance. I also feel Congress will take a long, hard look at any project that has an estimated cost of \$500 million, which undoubtedly is quite low.

Construction of a dam near Ashland would mean the loss of 126,000 acres of Nebraska farm land. This project also would seriously hamper development of the corridor between Omaha and Lincoln—the area of greatest possible expansion in Nebraska.

I can envision in the next 20 years a continuous area of business, industry and homes between Omaha and Lincoln. This, of course, will be enhanced by the introduction of at least three more major airlines to Omaha next spring.

Omaha will become a major airline hub in the United States. This increased accessibility—only a few months away—will open another vital door to the Heart of the Midlands.

If growth in the corridor between Omaha and Lincoln is impeded, the area will be less attractive to business and industry which might wish to locate in Nebraska.

#### APOLLO FILM AVAILABLE

I am extremely pleased to let you know that two copies of a color documentary film on the historic voyage of Apollo 11 to the moon are now available through my Omaha office. I have personally viewed this 30-minute film entitled "The Eagle Has Landed." It is non-political and certainly a part of history.

If you would like to have this film shown by an organization to which you belong, have a representative call the Omaha office at 221-4631 for a reservation. I regret that we will not be able to project the film for you, but I am hopeful your group will either have or have available a 16 mm. sound projector.

#### SEX EDUCATION IN SCHOOLS

The controversy over sex education in our schools continues—not only in Nebraska, but throughout the nation. I introduced a bill which would prohibit the use of Federal funds for such courses in elementary and secondary schools unless the program is approved by the local school board.

I want to preserve for parents the right to decide for themselves through their school system the character and extent of sex education they desire for their children. Many urgent telephone calls and letters from frantic parents have come into my office over this matter. It is of great importance to all of us and I am hopeful legislation along these lines can become law.

#### PRAYER IN SPACE

I recently introduced a resolution in the House of Representatives which would prevent restrictions on prayer in space.

There is now pending before a Federal Court in Texas a temporary restraining order which would prohibit United States Astronauts from conducting any religious activities in space. It is both understandable and fitting that Astronauts should turn to their religious faith for comfort while on missions

in space and this resolution will make that possible.

#### PRISONERS OF WAR

I have joined with other Members of Congress in introducing resolutions condemning North Vietnam for the inhumane treatment of American prisoners of war.

North Vietnam and the National Liberation Front have shown complete disregard for the provisions of the Geneva Convention. Their treatment of American servicemen has been appalling.

The free world condemns these actions and we must pursue even more diligently efforts to obtain a list of prisoners held; gain release of the seriously ill and injured; permit impartial inspections of all prisoner of war facilities and permit the free exchange of mail between prisoners and their families.

Good news for senior citizens—President Nixon recently advised me he has established a Task Force on Problems of the Aging. The task force will examine the problems faced by older people in order to determine how they best can achieve security, dignity and independence. It will review existing programs, suggest improvements, and recommend further actions that might be taken in this important area.

Legislative recommendations—I was honored to join more than 100 of my colleagues in the introduction of a resolution backing President Nixon's troop reduction policies in Vietnam. It's time we pull together, not in many different directions.

Another bill I introduced recently is designed to slash the number of unsolicited credit cards flooding American homes. Others call for: A moratorium on the discontinuance or reduction of railroad passenger train service; Broadening and strengthening of Federal consumer protection and information activities; Election reform which would place new limitations on campaign contributions and spending; Changing the Government's fiscal year (July 1-June 30) to the calendar year; Strengthening civil rights remedies available to American Indians under tribal law.

#### COMMITTEE WORK GROWS

Committee work is one of the most important duties a Member of Congress has and it continues to grow.

Just recently a report of the Interstate and Foreign Commerce Committee, of which I am a ranking member, disclosed that it had been referred more than 1,000 bills. Even though some of these are identical, each group of bills is considered by a subcommittee before being passed along to the full committee for action.

Sincerely,

GLENN CUNNINGHAM.

#### BUILDING BRIDGES—MORE U.S. AID TO CUBA

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. RARICK. Mr. Speaker, the UNO has announced through its propaganda arm, UNESCO, a grant to Castro's Cuba of \$500,000 to \$1.5 million a year over the next 5 years. While designated for education, the moneys are certain to relieve Cuba's desperate economy and ease the financial pressures in such other areas as military, sustaining guerrilla action, and subversion.

The present administration has requested Congress to increase U.S. contributions to the UNO—its main source

of income—from \$75 million to \$100 million a year.

While we buy strategic chromite from Moscow and U.S. businessmen are denied trade with Rhodesia because of U.N. economic sanctions, their tax dollars are to be spent by the UNO to subsidize Cuba—a Red arsenal 90 miles from our shores.

I include a news article:

#### U.N. TO AID 20 PROJECTS IN CUBA

HAVANA.—The United Nations will cooperate in 20 educational projects in Cuba during the next five years, it was announced here.

Dr. Malcolm S. Eiseshiah, Indian director general of the U.N.'s Education, Scientific and Cultural Organization, told a press conference at the end of a five-day visit that UNESCO would triple its spending in Cuba over the next five years from \$500,000 to \$1.5 million a year.

### ROSS PEROT—DEDICATED AMERICAN PATRIOT

#### HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. COLLINS. Mr. Speaker, Ross Perot is a businessman with lots of heart and the driving force to put it in action. Perot believes in America and he wants to give every citizen an opportunity to stand up and be counted in support of our President.

Felix R. McKnight, our plain-spoken editor of the Dallas Times Herald, wrote an analytical editorial on citizen Ross Perot—a concerned man. Perot has asked citizens from coast to coast to join him in United We Stand, Inc. He asks those who support the President to write Post Office Box 100,000, Dallas, Tex., 75222 and let their voice be heard.

McKnight sums up the Perot message in this November 16 story in the Dallas Times Herald. I know Ross well—I hope sometime when he visits Washington you all get to know him—you will like and admire his dynamic spirit and tremendous drive. He is 110 percent American.

The editorial follows:

#### ROSS PEROT—DEDICATED AMERICAN PATRIOT

Ross Perot is a man who pays his debts. Not always with currency, of which he has ample amounts, but more with deeds and acts. Remember?

I have never met Ross Perot. I have only read, and heard, of him.

But I intend to meet him, and shake his hand.

I would like very much to know a citizen who took very urgent time to tell a nation to get off its apathy and get the hell into action. This man fascinates me—and many millions more who small-talked among themselves and didn't have the guts to get up and make the big speech.

I refer to recent events in this nation—like the last couple of weeks. When men and women decided it might be fashionable, again, to profess openly that we had a defensible set of grounds upon which we set tents a couple of hundred years ago.

The President made a speech about a war all free men loathe. It was not a spectacular, at the time. Critics said it offered no new hope. Others found a reaffirmation of old principles; a nudge to the drowsy.

Strident voices suddenly mellowed a bit; only the violent clang of the professional

dissenter still rings as loudly as it did a couple of weeks ago.

Folks who seemingly almost shied in embarrassment behind their tarnished patriotism, came out of the woodwork. Flags wave in their yards; they punch on headlights during the daytime and some of them even wear little American flags in their lapels.

The "shame" of being patriotic, of moving their lips when they play the Star-Spangled Banner at the Cowboy game, is edging away. The newspapers and the networks, to a degree, are giving battered old American pride the headlines.

The nation is finally getting up its guts. It took a little longer than usual, but it finally made it.

JAMES M. COLLINS.

Ross Perot didn't swing the magic stick alone, but he had a hell of a lot to do with it. He is a fortunate young man, still in his 30s, who got his break in a nation that provides opportunity for men who can cut it with knowledge, a will, a spirit of compassion, a dedication and a respect for concepts upon which this beleaguered country was born.

Ross Perot is a wealthy man because he took advantage of every tool offered any young man who wants to work at the task.

But Ross Perot hasn't retired to the counting house and forgotten how he came to this position. He can, indeed, pay any debt he owes—including the big one to a land that made possible his impossible dream.

He is the young man who has financed a hundred full-page newspaper ads in the nation's largest newspapers—an ad that simply urges his neighbors to buy new stock in the United States of America. He doesn't care whether they are white, black, Republican or democrat.

He simply asks that they clip a coupon, mail it to the President of the United States and sign their name to a simple statement—United We Stand. It isn't a voter registration; it is citizen registration.

True, quite true, Mr. Perot supported Richard M. Nixon for the presidency. But now he urges that you support the office—not the man.

If you didn't happen to get a copy of your local newspaper around the land, Mr. Perot also made it possible to hear the same message via television—at the cost of a few more hundreds of thousands of dollars.

A Nixon political lackey?

Mr. Perot is a quiet, shy man who seeks anonymity. He started this movement anonymously, just as he did when he gave a million dollars to the Dallas Public School System for the enrichment of local public school education. Inquisitive newsmen found him out in both cases—to his embarrassment. His concern and his generosity happen to be very real.

And this "Nixon" man came about his latest United We Stand idea in a most strange manner.

He was flying home after a visit with former President Lyndon B. Johnson at his Hill Country ranch. Mr. Johnson is a Democrat—but he also was a president of the United States, and the depth of his concern for this country, and the office of the presidency, cut deeply into Ross Perot.

It occurred to him that the last four presidents of the United States had followed the same basic policies on Vietnam. Only the strategies had differed. Not one of them, as commander-in-chief, had, in his own way, swerved from the path of protecting a few precious items—like preservation of freedom for people who wanted to be free.

He mulled it over—Ike Eisenhower, John F. Kennedy, Lyndon B. Johnson and now Richard M. Nixon. Presidents, elected by the people, to provide the critical decisions. The

people gave authority and, he believes, they still happen to think that the President has more information than crowds in the streets, dulcet television voices, anointed columnists.

So Ross Perot made a decision to shake a national shoulder and stir hundreds of thousands of people across this nation into positive support of their President on the Vietnam issue.

#### VIEWPOINTS ON AGNEW SPEECH

### HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. SKUBITZ. Mr. Speaker, in our Fifth Congressional District, we have some of the best editors in the Nation. I read with considerable interest their viewpoints on the speech by our Vice President AGNEW. I would like to share these viewpoints with the Members of Congress:

[From the Independence Daily Reporter, Nov. 19, 1969]

#### SPIRO SPIRALS

One short year ago, after the Republican Convention, rank and file Americans everywhere were asking, "Who is Spiro Agnew?", the surprise running mate of President Richard M. Nixon.

In the year since this "unknown" from Maryland has skyrocketed into prominence in such a manner the average man on the street today is very much aware of his presence.

Liberals, television and much of the national press were quick to attack after the Nixon-Agnew team took over in January. But their jibes, jokes and "foot in the mouth" talk has changed as everyone becomes conscious of the Vice President who is rattling the teeth of the so-called untouchables. The more he speaks the more sense he makes.

Vice President Agnew, just at the right time, tagged the leaders of the protests and marches against the Nixon war policies as intellectual snobs who are trying to sandbag Nixon at every turn.

Following up his charges that met with wide support, Agnew lowered the boom last week on television news and the biased reporting of the name commentators who have elevated themselves into the diplomatic corps of critics. He didn't call for censorship. But he did call for an end to the hatchet jobs being done on public officials regardless of party.

The outpouring of support for this attack is good evidence Agnew is talking for the great masses of Americans who are intelligent enough to tell when news is being colored and when the networks are out "to get" a certain personality.

Spiro Agnew is no more an "unknown." In fact so high is his stock soaring he may well go down in history as one of the greatest vice presidents the nation has ever had. John Q. Public is fastly finding Agnew is his kind of people and has established his name as a household word throughout the country.

#### THE VEEP AND TV

At Des Moines, Iowa, a few days ago, Spiro Agnew, the vice-president, took a healthy swat at the way television networks are operated in this country. Like all of Agnew's utterances, this speech stirred up a hornet's nest—but its end result no doubt will soften some of the arrogance which television's top men have taken to themselves.

The Vice President said he is not asking for government, or any other kind of, censor-

ship over the air waves. But then he lowered the boom when he stated further:

"I am asking whether a form of censorship already exists when the news that 70 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."

Evidently he was hitting at the top line news commentators, who accused Agnew of passing off too many of their preconceived ideas on an "authoritative analysis" of a situation. He also pointed to the examples of newspapers, which first publish the facts and then discuss the subject later on their editorial pages after they have had the time to digest it.

Network heads were rightly indignant over this blast at their handiwork and none admitted any truth in Agnew's criticism. But they are undoubtedly provincial in their views which reflect the opinions of their surroundings in the larger centers of the East.

The Veep is not seeking federal censorship for the glamor fellows, but his remarks are most likely to be heeded by some of the principal offenders. A burnt child avoids the fire, you know.

[From the Winfield (Kans.) Daily Courier, Nov. 19, 1969]

#### AGNEW TV HASSLE

Vice President Spiro Agnew's attack on the television industry unmistakably touched a responsive chord among a lot of not-so-silent-any-more Americans. The vibrations go on.

Letters and telephone calls to the headquarters of the three major broadcasting networks and to local stations all over the country have run overwhelmingly in his favor. Even more than his remarks about an "effete corps of impudent snobs" (or was it an "impudent corps of effete snobs"?) involved in the October 15 Vietnam Moratorium, the vice president's targeting of "a small group of men" which determines what news goes out over the air clearly hit something close to the heart of many people.

As usual, however, it is not what the vice president said but what he allegedly implied that has caused the agitation.

What he implied, some defenders of the industry have been quick to warn, is government censorship of television, followed inevitably by censorship of the press, followed eventually by a police state and dictatorship and the abolition of all the freedoms Americans hold dear.

What he actually said, and it bears repeating, is this:

"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 people—not government—must be the reformer, where the consumer can be the most effective crusader."

This does not sound like a call to censorship and repression.

We think he said things that needed to be said a long time ago. Editorializing and mingling of biased views with the news by TV commentators has been going on for a

long time and should be stopped. A division needs to be made between news and editorial content of television broadcasts.

Agnew's words have been criticized as an attack on the freedom of the press. We interpret them as defense of freedom of the press as opposed to censorship by those who control the TV industry.

[From the Chanute (Kans.) Tribune, Nov. 18, 1969]

#### OBJECTIVITY IS NOT ENOUGH

Concentration of power creates opportunity for abuse. This is true with elected officials and it is true with news reporters.

The challenge to news reporters is to guard against abuse. Objectivity has long been the goal. But if a reporter covers news involving strong feelings there is but one way to assure objectivity:

Stay away; don't report it.

Or you can take the slightly more sophisticated approach. Cover the events but function only as a recorder. Prejudice is transmitted, but the reporter maintains his untainted reputation for objectivity. This would please Spiro Agnew.

Hopefully, the art of reporting has advanced beyond this simple-minded approach. Balance is the goal now. A balanced report that includes the pertinent facts of as many viewpoints as space or time permits.

Vice President Agnew warned the nation against television reporters given to raising eyebrows. The silent majority cheered this note.

But cheers or jeers cannot guide a news reporter dedicated to his job.

In the printed media, the U.S. News and World Report is praised by many for its "objectivity." The interview is quoted verbatim—question and response.

But if I only interview people who hold the views I want publicized, I can be objective and prejudiced at once.

The greatest prejudices involve selection of material. If I report only the abuse of welfare (as does the Abilene newspaper perennially), I transmit prejudice. The positive side of welfare is part of the story too.

Malice is the key consideration. If malice exists, then news reports cannot be balanced nor fair.

Spiro added his voice to those who object to scrutiny by the press. It isn't anything new. His boss has been complaining for two decades. And so did Lyndon Johnson. Does that tell you anything?

[From the Coffeyville (Kans.) Journal, Nov. 17, 1969]

#### AGNEW'S THREAT TO TV

Vice President Agnew's attack on the handling of televised news and news comment is a grave affront to the idea that government should do nothing, directly or indirectly, to inhibit free expression. Agnew did not utter his condemnation as an individual; he was cloaked in the panoply of government. That is the thing to bear in mind when considering his remark that perhaps the time has come for the networks to be "made more responsive to the views of the nation."

On first thought, some may be inclined to see that as not such a had idea. After all, it may be said, majority rules so why wouldn't it be a good thing to make the news broadcasters "more responsive" to popular views? The flaw in this is the element of compulsion. The moment someone in authority can "make" newscasters reflect a particular viewpoint in their broadcasts, free expression is trampled.

Government interference along these lines would be intolerable. More or less threatening observations by men near the seat of power, such as Agnew made, are scarcely less so. For this was, as Dr. Frank Stanton of Columbia Broadcasting System promptly declared, an "unprecedented attempt by the vice president of the United States to intimidate a

news medium which depends for its existence upon government licenses." Agnew was flicking the whip of possible government repression should the networks and affiliated stations not behave as he wishes them to.

Our defense is not of the broadcasters' presentation of news and comment. There are legitimate grounds for criticism, perhaps including some of Agnew's strictures. The point here made is that when the man next in succession to the President castigates the broadcasters for their reportage of a presidential speech he comes close to demanding subservience to the ruling party. That is a dangerous abuse of power.

#### QUESTIONABLE GUIDELINES

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. RODINO. Mr. Speaker, the evidence is mounting that this administration is not only backing off from major commitments to social justice begun by the last two Democratic administrations, but is now actually sprinting backward—fully aware of the impact of its methods. Equal opportunity to gain a decent education, which is, after all, what school desegregation is all about, is just one example.

However, today I want to call attention to a policy which could be absolutely disastrous if allowed to prevail—that is the recently reported directive from the Secret Service requesting all Federal employees to furnish information about their fellow workers who make threatening, abusive, or irrational statements about their superiors.

Liberty is too precious and too fragile to even allow what seems to be a laughable directive to go out unchallenged. Perhaps with a special feeling for the rationale of persecution the Newark Afro-American recently spoke out on these "questionable guidelines":

#### QUESTIONABLE GUIDELINES

Those among us who have fears about the United States some day turning more militaristic or employing police state tactics have new reason to be concerned.

The U.S. Secret Service Liaison Guidelines ask federal, state and local law enforcement agencies to supply the Secret Service with information that could result in secret dozers being built up on millions of Americans.

The guidelines ask information about attempts to "embarrass" high officials, people seeking redress of "imaginary grievances," and people making "irrational" or "abusive statements" about high government officials.

A first inclination would be to wonder if the dozers will include one on Vice President Agnew, who has had some rather pointed statements of recent about some of his fellow Americans, including some high government officials?

But the issue is much more significant than that.

Are Americans no longer going to be able to "embarrass" public officials, seek redress of matters some may consider "imaginary," or make statements a neighbor might deem "irrational"?

The new guidelines apparently grew out of the recommendation of the Warren Commission that investigated the Kennedy assassination. It urged steps be taken to better protect presidents and other public officials.

But it did not recommend anything like the guidelines now in existence.

It is doubtful the commission would agree to the wisdom of these new guidelines.

**IMMEDIATE SOCIAL SECURITY PAYMENT INCREASES ARE IMPERATIVELY NEEDED BY OUR OLDER CITIZENS**

**HON. HAROLD D. DONOHUE**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. DONOHUE. Mr. Speaker, despite the importance of other pending measures, and notwithstanding the complexity of certain of its provisions, I most earnestly urge and hope that the leadership, on both sides of the House and the Senate, will cooperate with the respective committee chairmen, so that this House and the Senate will be provided an opportunity in the immediate future to approve a substantial increase in social security benefits, an increase that is desperately needed by millions of people in this country today.

Unfortunately, it is an established fact that an insufficient income is still the major problem that deeply distresses over one-third of the some 25 million Americans now over 65 years of age, and we cannot escape the harsh reality that insufficient income will continue to be the major problem of most all of our senior citizens if we further permit running inflation to smother our best efforts to improve the social security system.

Mr. Speaker, it is a further and unfortunate fact that current social security benefits dismally fail, in most cases, to provide even minimal subsistence standards for our older citizens. It is inconceivable to expect some 25 million Americans, all nearly totally dependent upon

social security payments, to exist on income at or near the poverty level.

The imperative need of these social security recipients, in the face of continuous and disheartening advances in the costs of every service and food staple necessary to minimal decent living in this land of promise and plenty, is an immediate substantial increase in social security benefits and allowances. Today, one out of every eight Americans count on their monthly social security check for the mere essentials of a decent life and the economic fact is that their present check is not large enough to provide these essentials.

Mr. Speaker, there are, of course, other improving provisions that must be incorporated into any revision of the present social security law, such as an automatic cost-of-living increase to overcome inflation effects, reduction of the retirement eligibility age, the possibility of eliminating the ceiling on earned income, liberalization of the definition of disability, and removal of the unrealistic extended time period for disability qualification, and many other proposed improvements contained in my bill and the other measures pending in committee.

However, and finally, Mr. Speaker, my urgent plea is to immediately initiate and complete legislative action to grant these social security payment increases, with automatic cost-of-living clauses, alone, if it is felt that we do not have sufficient time left in this session of the Congress to accomplish a total revision of the present social security system. I urge the chairman and members of the House Ways and Means Committee to exert every possible effort to report, if necessary, a separate, substantial benefit increase bill and make the benefits payable retroactively to at least April 1, last. Certainly such legislative action would tend to encourage and generate a more

realistic sense and widespread appreciation of the spirit of Thanksgiving and Christmas which is, basically, to contribute as much as we legislatively can toward improving the quality of life for all our fellow citizens and fellowmen here on earth.

**HAZELWOOD MARINE KILLED IN VIETNAM**

**HON. JOSEPH M. GAYDOS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 24, 1969

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men, Lance Cpl. Robert C. Barr, of Hazelwood, Pa., who was killed in Vietnam.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Lance Corporal Barr for his heroic actions, I wish to honor his memory and commend his courage and valor, by placing in the Record the following article:

**HAZELWOOD MARINE KILLED IN VIETNAM**

A Hazelwood Marine has been killed in action in Quang Nam, Vietnam, the Defense Dept. announced.

He was identified yesterday as L-Cpl. Robert C. Barr, 19, son of Mr. and Mrs. Anthony B. Barr, of 5020 Ampere St.

Cpl. Barr, a member of the 3rd Platoon, 1st Marine Division, was killed Tuesday.

He was employed at the Homestead Works of U.S. Steel Corp. after graduating from South Vocational High School in June, 1967, joined the Marines in June, 1968, and went to Vietnam last February.

His sister, Cathleen, said "he didn't seem to be having any difficulty in Vietnam . . . I guess he didn't want to scare us."

In addition to his parents and sister, Cpl. Barr is survived by three brothers, Anthony J., 17, Thomas M., 13, and Richard E., 11.

**HOUSE OF REPRESENTATIVES—Tuesday, November 25, 1969**

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*He leadeth me in the paths of righteousness for His name's sake.—Psalm 23: 3.*

O Thou who art the light of the world, the life of the faithful, and the love of those who put their trust in Thee, let Thy spirit shine in our hearts as we wait upon Thee in prayer. Grant unto us the will to do Thy will that with faith in Thee alive within us we may let our light of hope shine before men. By Thy grace may we reverently use our freedom to maintain justice, to establish liberty, and to promote understanding among men and nations.

Deepen our life as a nation in righteousness, truth, and good will. Mold us into one people, united in purpose and program, to keep our Nation free and to strengthen the bonds of fellowship between the citizens of our beloved Republic.

Plant virtue in every heart, love in every home, light in every church, and

liberty in every country, for Thy name's sake. Amen.

**THE JOURNAL**

The Journal of the proceedings of yesterday was read and approved.

**MESSAGE FROM THE SENATE**

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2566. An act for the relief of Jimmie R. Pope.

**MAKING IN ORDER CONSIDERATION OF JOINT RESOLUTION FOR FURTHER CONTINUING APPROPRIATIONS, 1970, ANY DAY NEXT WEEK**

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order any day next week to consider a joint

resolution making further continuing appropriations for the fiscal year 1970 beyond December 6, 1969.

The SPEAKER. Is there objection to the request of the gentleman from Texas? There was no objection.

**CONGRESS MUST PASS FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969 AT THE EARLIEST POSSIBLE MOMENT**

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, November 20, 1968, was a sad day for the American Nation. On that day 78 men perished in a mine disaster which rocked the complacency of the coal industry and startled the American conscience into a reawakening.

Many people had thought that coal miners were no longer subject to death, disability, and disease because of their occupation. Many believed that the dis-