

## EXTENSIONS OF REMARKS

HUBERT F. LEE, EDITOR OF DIXIE BUSINESS MAGAZINE, WAS ONCE IN ARMY BALLOON CORPS

## HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Monday, December 1, 1969

Mr. TALMADGE. Mr. President, an article entitled "Hubert F. Lee, Reporter, Editor of Dixie Business Was Once In Army Balloon Corps," written by Fran Fossett, and published in the Decatur-DeKalb News, states that Mr. Lee may have been the only man in history to serve accidentally in the Army Balloon Corps.

I ask unanimous consent that this interesting account be printed in the Extensions of Remarks.

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

HUBERT F. LEE—REPORTER, EDITOR OF DIXIE BUSINESS WAS ONCE IN ARMY BALLOON CORPS

(By Fran Fossett)

DeKalb's Hubert F. Lee may be the only man in history to have served accidentally in the Army Balloon Corps. Not too many men in history, as well as can be determined, served in the Balloon Corps even on purpose.

"Back in July, 1919," Mr. Lee tells us, "I enlisted in the Army in Cleveland, Ohio, to go to Russia and fight the Bolsheviks. They said they needed some troops for Russian service. Well, instead they sent us to balloon school, first at Camp Knox, Kentucky and then the one next to Camp Eustis, Virginia." Mr. Lee never got to Russia, and everybody knows how the Bolsheviks made out.

"Balloons were used for observation purposes," Mr. Lee says, "much as helicopters are used now, except of course the balloons couldn't do all the other things that helicopters can. I suppose the helicopter dealt the last blow to the use of balloons in the services."

Mr. Lee's main function was being, in his words, a human sandbag. "The balloons were inflated with hydrogen gas from cylinders," he explains, "and it was quite a job getting them launched right. While the balloon was still in its hangar, we would hook it up to a four-wheel-drive truck with a huge winch.

"Then we'd have men all the way around the balloon holding onto ropes (these men were the sandbags) and once it was out of the hangar we'd ease it off hand over hand." Mr. Lee's balloons were the sort that remained attached to a base point on the ground; as far as he recalls none ever broke loose and floated off into the ever after. This was just as well, since there were a couple of men who would have floated off also.

"Ordinarily," says Mr. Lee, "the balloons would carry two men in the basket, to take pictures or send back information. I had an electrical engineering course at the Virginia school, and helped install radios in the balloons as part of my duties."

Having survived the hazards of peacetime ballooning, Mr. Lee left the Army in the summer of 1921, in favor of the more down-to-earth job of news reporting. "I'd been writing for the Columbus, Georgia paper, and my boss there wrote the Atlanta Constitution and told them I had a 'nose for news.'"

"So I went to work as a cub reporter for the Constitution. After a while at that I did

advertising supplement writing, then went with United Press for a couple of years, and then to LaGrange for the LaGrange Reporter."

With a capital investment of \$15, Mr. Lee started Dixie Business magazine which he edits and publishes out of his Covington Road home and offices. Dixie Business is best known for its annual Man of the South award, which has gone to prominent southerners since 1946, and for its Hall of Fame for Living, comprised of distinguished living Americans.

Mrs. Lee assists her husband with the managing and editing of Dixie Business, and with keeping track of the voluminous stores of books, magazines and clippings that overflow every corner of the house. The Lees have two sons and a daughter who live in California, New York and Texas, but come visiting whenever they can with the four grandchildren.

Asked which branch of service he would choose if he were entering today, Mr. Lee said "the Air Force," without a moment's hesitation. Even if they don't always assign everyone as planned, Mr. Lee believes the air-minded people offer the best chance for adventure.

## RESPONSIBLE VIEWS

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

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. DANIEL of Virginia. Mr. Speaker, the distinguished senior Senator from Virginia, HARRY F. BYRD, JR., has expressed sound views on many timely subjects throughout the State of Virginia in the last 2 months.

These are responsible views on topics that are important to every American citizen and deserve wide distribution.

I submit for inclusion the following excerpts in the RECORD:

## VIEWS—IN BRIEF

LEXINGTON.—Senator Byrd called for a "balanced view" of the American military establishment in a speech here at the dedication of a new alumni hall at Virginia Military Institute.

The notion that the nation's defense is run by "bloodthirsty generals" backed by an insidious military-industrial complex is refuted by the careers of men like Dwight D. Eisenhower and VMI's George C. Marshall, Byrd said.

Byrd cautioned against flying to an opposite extreme and assuming that the military is above criticism. "Responsible criticism of the military is both healthy and democratic," he said.

"What is needed," he declared, "is a balanced view—skepticism without hostility, loyalty without blindness."

## MARINE SCIENCE

GLOUCESTER POINT.—While probing outer space, the United States should devote more resources and energies to exploring the seas which cover 80 per cent of the earth's surface.

That was Senator Byrd's message at the dedication of a marine science building here. The building named for the Senator's uncle, the late Admiral Richard E. Byrd, is part of the Virginia Institute of Marine Science.

"America cannot much longer afford to mark time in oceanography," Byrd warned.

## DRAFT REFORM

BLACKSBURG.—Draft reforms urged by President Nixon won endorsement from Senator Byrd in a speech before the Chamber of Commerce here.

Byrd pointed out he had suggested to former President Johnson changes in the draft similar to those now advocated by Nixon.

The reforms included calling 19-year-olds first, virtually eliminating their chance of later callup except in time of war, temporary educational deferments and a lottery system for choosing among those eligible.

## TWO VICTORIES

RICHMOND.—The American Revolution and the exploration of the moon have something in common. Senator Byrd said at a Knights of Columbus banquet here.

"The one was a victory of the spirit, the other a victory of technology," he said. "But both show the force behind our total commitment to a goal."

## PROPER PROTEST

PETERSBURG.—Anti-war demonstrators should protest Hanoi's treatment of U.S. prisoners, Senator Byrd said here at an American Legion Veterans Day observance.

"In time of war," he said, "we must present a united front."

Byrd pointed out that North Vietnam bars Red Cross visits to prisoners, will not permit letters to be written home or received and refuses to release the names of captives.

"I cannot imagine anything more cruel and inhumane," he said.

## HOME RULE FOR SCHOOLS

HAMPTON.—"All of us should work together to get Washington's finger out of the local school board's pie," Senator Byrd told a meeting of the Virginia School Boards Association here.

"Those who serve on our school boards have a heavy responsibility. I admire you, but I do not envy you," Byrd said.

"I know that you spend weeks and months putting together programs you consider beneficial," he said, "only to get the last-minute word that your scheme doesn't jibe with the policy of the month at the Department of Health, Education, and Welfare."

"Under the present system, school districts often find dollars available for frills while basic needs go unmet for lack of funds," the Senator said.

## AID AND TAXES

WEST POINT.—Eliminating or substantially reducing foreign economic aid would remove the need for the income tax surcharge beyond 1969, Senator Byrd said here at a meeting of the King William Forestry Club.

Byrd pointed out that the foreign economic aid budget of \$2.2 billion is almost double last year's. "I do not believe the American people should be called upon to pay a surtax to finance this kind of increase," he said.

A total of about \$5.2 billion in foreign economic aid money has been carried over from previous years and could take care of contingencies, the Senator said.

Later in the Senate, Byrd introduced amendments to halt the surtax at the end of 1969.

## CONSUMER BILL

ARLINGTON.—The best consumer legislation is that which fights inflation, Senator Byrd told the Arlington Business and Professional Women's Club. "Inflation is eating heavily into the housewife's dollar," he said.

## AFTER THE FLOOD

LOVINGSTON.—Senator Byrd saluted the "courage and generosity" of citizens who came to the aid of their neighbors in the

section of Virginia stricken by severe floods on August 19.

He spoke at the annual dinner of the Chamber of Commerce of Nelson County, the hardest hit subdivision in the state.

The "strong spirit" of the flood victims is proof that the devastated areas will be rebuilt, the Senator said.

#### FOREIGN POLICY

**STAUNTON.**—The Senate must re-assert its constitutional role in foreign policy, Senator Byrd said here at the 46th annual banquet of Shenandoah Valley, Inc.

He presented the Shenandoah Bowl for service to the valley to E. Lewis Knowles, retired managing editor of the Staunton Leader and former mayor of Staunton.

#### SPEAKING OUT

### HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, December 1, 1969

**Mr. FANNIN.** Mr. President, last week I received from the Reverend James F. Hughes a reprint of a Memorial Day address delivered by the Reverend John J. Atwell, an Episcopalian clergyman at Apache Junction, Ariz. His address was reprinted in the Phillips County News in Malta, Mont.

The Reverend Mr. Hughes is himself a former combat infantryman who fought in Italy in World War II with Gen. Mark Clark.

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

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

#### A TRIBUTE TO THE DISSIDENTS

(By John J. Atwell, May, 1969)

Where were YOU when Washington fought in the rain, snow, and ice at Valley Forge?

YOU were not there.

Where were YOU when the shot which was heard around the world was shot at Concord Bridge?

YOU were not there.

Where were YOU when brave men fought, bled, and died at Bunker Hill, and at Bull Run?

YOU were not there.

Where were YOU when Washington needed strong men to cross the icy Delaware?

YOU were not there.

Where were YOU when YOU were needed at Yorktown, and at the Alamo?

YOU were not there.

Where were YOU at the signing of the Declaration of Independence, at the writing of the Constitution of these United States, at the writing of the Bill of Rights, at the composing of the Star Spangled Banner, and the sewing of the American flag?

YOU were not there.

Where were YOU during the Battle of New Orleans, and San Juan Hill?

YOU were not there.

Where were YOU at the battles of the Philippines, and in the Argonne Forest?

YOU were not there.

Where were YOU when the United States armed forces marched under the Arch of Victory in France?

YOU were not there.

Where were YOU at the fall of Corregidor, and at the liberation of the Philippines?

YOU were not there.

Where were YOU when brave Americans stormed the beaches of Iwo Jima and Normandy and Utah on D-Day?

YOU were not there.

Where were YOU at the time of the Johnstown Flood, at the Chicago fire, at the San Francisco earthquake, and Texas City?

YOU were not there.

Where were YOU when YOU were needed for the Korean conflict, in Vietnam, and on Hamburger Hill?

YOU were not there.

I never saw YOU at any of the battles, nor any other place where brave and valiant men fought and died. And I cannot be wrong because there were many millions of faithful Americans with me, and they never saw YOU either.

Where were YOU when this country needed strong arms, clear minds, and valiant spirits and proud defenders of her principles and honor?

YOU were not there.

Where were YOU during the time of peace? I know where YOU were. YOU were demonstrating. YOU were making trouble and destroying our beautiful cities. YOU were wrecking our colleges and universities. YOU were burning your draft cards, and defaming the Flag of these United States of America.

For three long, difficult centuries YOU have had thousands of opportunities to serve, to defend, and to honor this country.

**BUT** YOU were NEVER there when and where YOU were needed.

**YOU** know very well WHO has been the custodian of the peace, the security, the honor, the liberty, the freedom, and the wealth YOU have enjoyed. He's the Armed Forces of the United States of America and over two hundred millions of faithful and patriotic Americans who have fought, died, and labored long, tedious hours to be free people.

And YOU were not there.

And YOU have the gall to say "I have rights"?

May I ask YOU "What rights do YOU have that you really deserve"?

When YOU have done absolutely nothing to deserve them?

YOU were not with Washington at Valley Forge, nor at any of the battles, nor at any other place which I have named, when YOU were needed, and where YOU were needed. And YOU still insist "I have rights".

YOU have neither fought, nor died for the rights you speak of, nor have YOU even tried to live for those rights, nor have you honored the principles of this great republic.

I merely call YOU friend, because I cannot consider YOU to be an American, because an American is always there when HE is needed.

YOU have "rights" but only those that are delegated and given to YOU by those who have deserved them, who have died, and live for them.

Rights, liberty and freedom belong only to those who are ready and willing to die, and moreover to live for their beloved country, for her honor and for her principles and ideals.

YOU are living by the blood of honorable, faithful, and true Americans. And not until YOU are ready and willing to follow their fine examples have YOU any "rights" of which YOU speak.

Where will YOU be when the diplomas are handed out this year?

Will you be there in your cap and gown? Where will YOU be when YOUR country calls YOU to fight for her honor, for her "rights," her liberty, and her freedom?

Will YOU proudly volunteer YOUR services? IF YOU are NOT ready and willing to be there and do YOUR part when YOU are needed, don't tell me about YOUR "rights".

What about the "rights" of those who died to make us free?

I was with Washington at Valley Forge. I was proud to die for the country that gave me life, freedom, and wealth.

I will always be ready and willing to die for my countrymen, and for their freedom as well as for my own. I have been in all of the battles of this Republic, I have been every place, every time I was needed and where I was needed, and I have been at every important event that has taken place in American history. I will always be there waiting for her call to do my part for her sacred honor.

YOU or no one else have any "rights" until YOU have made some effort to secure and obtain them for others as well as for yourself.

WHO am I? I am only one of over two hundred million of Americans who enjoy the "rights" we live by and for every day.

I don't believe that my service which I have given for my country has been in vain. Neither do I believe that my fellowmen who have made the supreme sacrifice have wasted their precious lives, because we Americans are still free.

#### THE PRICE OF FUN

### HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

**Mr. BERRY.** Mr. Speaker, one of the very interesting columns which appeared this past week was printed in the December 1 issue of Newsweek. It is the column of Stewart Alsop, a well-known writer which is most appropriate to be inserted in the RECORD today as the House considers the Vietnam resolution. The column is as follows:

#### THE PRICE OF FUN

(By Stewart Alsop)

**WASHINGTON.**—Wandering about this city, during the weekend of the "peace march," I made a profound politico-sociological observation. "The kids" were having a lot of fun.

The political implications of this startling discovery are clear. The kids will want to have a lot of fun again. Even if Mr. Nixon orders all U.S. troops home from Vietnam tomorrow, and asks for the nationalization of all defense industries the day after, the kids will have their fun. This conclusion was confirmed by The Washington Post's Nicholas von Hoffman, this city's chief kidologist.

"These enormous scenes of communion and contact will continue," he wrote. "They love the coming together, the touching and sharing of food and bodies; they love the improvising of crash pads . . . they love getting high on each other and they dig the feeling that they are part of something very large . . ."

The touching and sharing process was widely visible during the speechmaking on Saturday afternoon. The slopes below the Washington Monument were dotted with un-

dulating caterpillar tents made of blankets, into or out of which boys or girls would pop from time to time. It was clear that there was a good deal of touching and sharing going on, and it was also clear that the motivations which brought the kids to the blankets were not wholly political. It certainly looked like great fun.

#### EXCITING GAME

There is another kind of fun which these "scenes of communion and contact" provide. This is the game of Cops and Kids, which is a lineal descendant of the childhood game of Cops and Robbers. It is much more exciting and hardly any more dangerous.

One player of the game, supported by a pretty girl with blond hair, was walking slowly, with tragic gait, across Dupont Circle late Friday night. The boy had a handkerchief across his mouth, and his eyes were streaming—he had obviously had a good whiff of tear gas. His girl looked up at him adoringly, as they walked together across the circle and down Connecticut Avenue, no doubt to some improvised crash pad. The scene could have been cut from one of the more sentimental old war movies—the wounded hero consoled by his lady love.

A man would have to be very old indeed with a very poor memory indeed, not to understand how much fun that particular kid was having, despite the streaming eyes. The cops-and-kids game gives the kids a chance to be heroes to their lady loves without any danger at all of being badly hurt, much less killed, which is why it is such a popular game and quite certain to continue, no matter what President Nixon does about Vietnam.

Even the cops seem to enjoy the game, although under the current rules a lot more cops than kids get hurt, in proportion to their numbers. In the aftermath of the kids' attack on the South Vietnamese Embassy, I got my car wedged in between two police command cars in a back street behind the embassy. There was nothing to do but roll up the windows against the gas and watch the show.

#### ENJOYING IT

Every once in a while a little group of shadowy figures would appear, and there would be shouts of "pigs" or "Fascists," and a cop would hurl a canister, and the kids would run off into the night. The young cops were joking with each other as they went about the business of adjusting their masks or arming themselves with more canisters. It was obvious that they were enjoying the game too, not in any sinister way, but because it was a good game.

The game was invented during the Chicago convention last year, and it was played pretty roughly there. But even in Chicago, nobody got killed or even permanently injured, and in Washington, there were hardly any bloody heads or bloody noses at all. As the rules of the game have developed, the cops lose the game if a picture appears on television showing a kid—especially a pretty girl—being hit by a cop. Under the Washington rules, clubs used to push, not club, and crowds are dispersed with tear gas, not billy sticks.

Certain rituals have developed. One ritual which I first witnessed in Chicago's Grant Park last year, I saw again in front of the Justice Department. This is the lowering of the American flag by the kids, and the raising or attempted raising of the Viet Cong flag, followed by the reverse process by the cops. This ritual is a sort of kick-off—it got the game really going both at Grant Park and at the Justice Department.

The kids are undoubtedly "sincere," as their admirers say. They sincerely detest the war in Vietnam, for the very good reason, among others, that theirs is the generation which must fight it. But the non-kids who detest the kids—and the polls show that they constitute a large majority of the population—are sincere too.

This emotion may not have wholly political origins either. "Your generation is just mad at us because we get away with so much stuff you never got away with," one kid (who happens to be a blood relation) sagely remarked. Making the non-kids mad is part of the fun.

The kids do not stop with long hair and peculiar costumes in their efforts to make the non-kids mad. For example, when the Viet Cong flag was raised in front of the Justice Department, before an audience of around 10,000 kids, there were a lot of cheers and no boos at all. When the American flag was raised in its place by the cops, there were a lot of boos and no cheers at all.

#### RIGHT-WING REACTION

At the main show, around the Washington Monument, there were at least ten Viet Cong flags to every American flag—and a lot of the American flags were worn, derisively, upside down. Anyone who supposes that this sort of thing doesn't make the non-kid majority mad is a victim of self-hypnosis. By every measure, moreover, the kids represent a tiny minority, even of their own generation. It would be interesting, for example, to know just how many holders of union cards there were in the vast crowd around the Washington Monument. Perhaps a dozen?

Any adult who can remember what it is like to be young should be able to understand why "these enormous scenes of contact and communion" are so much fun, and even feel a twinge of generational jealousy. The trouble is that there is a political price to be paid for the fun. The kids already have one major political feat to their credit—the election of Richard M. Nixon, which was ensured by their performance at Chicago. A few mere "enormous scenes" could ensure a right-wing reaction in this country so ferocious that not even Mr. Nixon could control it.

#### ANOTHER TRIBUTE TO IDAHO'S 116TH

### HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Monday, December 1, 1969

Mr. CHURCH. Mr. President, several weeks ago I had the privilege of participating in ceremonies honoring the 116th Combat Engineer Battalion of the Idaho National Guard on its return from serving in Vietnam.

The outstanding job performed by this unit was the basis of an article published in Army Digest of November 1969. I ask unanimous consent that the article be printed in the Extensions of Remarks.

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

#### THE LONGEST WEEKEND

(By Lt. Col. Harvey L. Latham)

They were called "NGs" and "Weekend Warriors." They came from little towns like Rixby, Idaho, and Weston, Vt. They were the National Guardsmen who attended weekend drills and summer camps, until one day their units received orders for deployment to Southeast Asia—and their weekends became a long one.

"They" were some 1,000 National Guardsmen of the 116th Engineer Battalion (Combat) and the 131st Engineer Company (Light Equipment). Today, these two Engineer National Guard units are back in the States, with a proud record of nation-build-

ing in the Republic of Vietnam to look back upon.

The "Green Mountain Mountain Movers" of the 131st were mobilized at their home station in Burlington, Vt., on May 13, 1968. While located in Dar Lac Province, the Vermont Engineers were a long way from Vermont's cool, green mountains, sugar maples, and famous Morgan horses. Still, there was always a touch of Vermont present at "Camp Swampy" where the 131st made its home. It was the "V" sign, standing not only for victory but for Vermont. It could be seen anywhere the Engineers were working.

The 131st was responsible for surfacing some 50 miles of National Highway 21, of which 20 miles required upgrading. This long ribbon of the highway is the only route the villagers can use to get their goods to the coast of Nha Trang for export.

The success of the economy of another area fell to the National Guardsmen of the 116th Engineers Battalion (Combat). Then the largest single National Guard unit serving in Vietnam, the Idaho Engineers helped restore National Highway 20 from Bao Loc to the II Corps Tactical Zone border.

Not only does this section of highway serve as an outlet for the tea and other produce of that area, but it also is an important lifeline to Lam Dong province, in importing more than 1,000 tons of rice each month to feed the local population. Highway 20 is the only link between the abundant vegetable crops of Dalat and the Saigon markets.

#### CIVIC ACTION

Lending a helping hand to the local population, the 131st inaugurated its civic action work program only one day after arriving at its base camp. The main thrust of this program was to consolidate and relocate a number of isolated Montagnard villages into a single, secure area under the protection of their own Regional or Popular Force military units.

A new village of Cu Kirk was formed by consolidating 17 separate villages into a single housing development under the leadership of village chiefs. The Vermont Engineers cleared and leveled a square-mile area, constructed streets and drainage ditches, and inclosed the new village by a rugged security fence.

Civic action was also a big concern around Bao Loc, then the main base camp for the 116th Engineer Battalion.

At B'Sar, Aifa and Charlie companies provided water to the outlying Montagnard villages. The local dysentery rate in that area was slashed by 75 per cent. Other volunteer projects included drainage and landscaping for churches, schools and orphanages.

The weekends were indeed long for the Engineer National Guardsmen in Vietnam as they counted the days until they could return to their families and jobs. But now that day has passed, and the Engineers of the 131st and the 116th can look back on their vital contribution to the building of a nation.

#### THE CRISIS IN HEALTH CARE

### HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. ADAMS. Mr. Speaker, in a speech delivered to the Industrial Union Conference, November 13, 1969, George Meany, president of the AFL-CIO, addresses his remarks to "The Crisis in Health Care."

Mr. Meany points out that the unions are interested in three things:

First. To prevent unnecessary illness.  
Second. To have the best possible treatment for workers, their families, and all Americans.

Third. To keep the cost of medical care at a reasonable level so that people are not denied needed care simply because they cannot afford it.

He goes on to examine how well we are meeting these objectives. He points out that while we spend a larger percentage of our gross national product for health care—nearly 7 percent—in 1960 we had fallen from the sixth ranking country to the 11th and according to the latest figures, we have dropped to 18th in infant mortality. Our life expectancy has also dropped considerably which would indicate that "our record is getting worse instead of better."

Mr. Meany believes the solution to providing good medical care at a reasonable cost is through a national health insurance program. This is a position which the labor movement has promoted for several years.

Mr. Speaker, I think this speech explains the union position on health care and its reason for such a position. I am inserting it in the RECORD:

#### THE CRISIS IN HEALTH CARE

I want to congratulate President Abel and the Officers of the Industrial Union Department for convening this conference on "The Crisis in Health Care." This meeting, along with the recent IUD meeting on Occupational Safety and Health, shows that this Department is vitally concerned with the well-being of workers in some of the most important aspects of their lives.

This question of the health of our members and their families is something the labor movement has been concerned with for a long time.

We are not doctors and we don't pretend to be. We are perfectly willing to leave the treatment of illness to the members of the medical profession. That's their business. That's what they are trained to do—for long years and usually at considerable expense.

While we think that medical treatment is the doctor's business, the health of Americans is the nation's business. And, more specifically, the health of workers is a major concern of the trade union movement.

Now there's a very simple reason why we in the labor movement are interested in health care. We are interested in health care because our members and their families get sick and they have to pay to stay well, or to get well when they become sick.

We are mainly interested in three things:

1. To prevent unnecessary illness.
2. To have the best possible treatment for workers and their families—and for all Americans for that matter—when they are sick so that they will recover quickly and completely.
3. To keep the cost of medical care at a reasonable level so that people are not denied needed care simply because they can't afford it.

Now let's see how well we have been doing in meeting these simple objectives.  
One way of analyzing how America has been doing in health care is to compare its record in recent years with the record of other advanced industrial countries.

You will often hear it said that the United States has the best medical care in the world. Well, we ought to have the best because we are paying the most for it.

We are now paying more than \$60 billion a year for health care. That is nearly 7 percent of our Gross National Product. It is, of course, a lot of money in actual dollars. But we are also spending a large percentage of

our GNP for health care than any other country in the world.

Now let's see how our health record compares with these other countries. There are certain figures that are usually cited to make this comparison and, frankly, we don't look too good. Let me cite a few of these figures.

In infant mortality in 1950 the U.S. was the sixth ranking country in the world. By 1960 we had fallen to 11th and, according to the latest figures, we have dropped to 18th.

Now let's look at how long people live. From 1959 to 1965, the latest date for which we have data, we dropped from 13th to 22nd place in life expectancy at birth for males. Women did a little better. Their life expectancy, as compared with other countries, dropped from 7th to 10th place.

So, as compared with other countries, our record is getting worse instead of better. Yet we are devoting to health care more money and a larger proportion of our resources than any other country.

And this is something which bothers us in the AFL-CIO. We don't like the idea of paying a tremendous amount of money for less than adequate health care.

When union people have a problem, they try to deal with it through the best mechanism we in the labor movement have. I am referring, of course, to collective bargaining. For twenty years or more now, we have been trying to meet the health care needs of our members through negotiated health and welfare plans. Some unions have done very well—but many have not.

In fact, many unions have found that they have been on some sort of treadmill. Most of you at this conference know only too well what has been happening. Just as fast as we could negotiate money to provide more and better health services for our members, the doctors raised their fees and the hospitals boosted their charges.

That meant that our members were still paying, after we had negotiated for more health care funds, just as much or even more out of their own pockets as they had before.

Thus, in health care, we have had a very unusual situation which we don't like at all. When we negotiate in collective bargaining, the result is ordinarily to make our members better off. That's the basic purpose of collective bargaining—to improve the conditions of workers.

Now, what's been happening in our negotiations related to health care? We have had a pretty good record in collective bargaining of getting more money for health care. But instead of making our members and their families better off through more comprehensive health services, we have simply been making more money for doctors.

Our members are being priced out of the medical care market by the sky-high, ever-mounting charges of doctors, hospitals and other providers of medical care.

Look at what has been happening. Medical costs have been going up faster than any other item in the Consumer Price Index. You all know that the cost of a visit to a doctor has doubled, and even tripled in many cases, in the past few years.

Hospital care is the most expensive medical care. That's why it costs a lot less money to prevent illness or to treat it before it becomes serious than to have to cure the patient after he gets into a hospital.

Hospital charges have been rising so fast that it's hard to even keep track of them. Daily hospital rates have been soaring at 15 percent or more a year. According to the American Hospital Association, which certainly ought to know, hospital charges will soon average \$100 a day. They are already at that figure in some of the better hospitals in large metropolitan areas.

Some people try to blame increased hospital costs on the rise in wages of hospital employees. Let me tell you something. The

labor movement fought to bring hospital workers under the minimum wage and we are proud of it. Our unions have fought to get wage increases and better conditions for hospital workers and we are proud of that too.

Hospital workers were—and all too often still are—among the lowest paid and most exploited workers in America. In fact, before they were covered under the Fair Labor Standards Act, over half of the 1.8 million hospital employees were getting less than \$1.25 an hour. Even now, after substantial wage increases, their wages still lag considerably behind other workers.

So we have no apologies for what the labor movement has done to increase the wages and better the working conditions of hospital workers.

But the fact is that rising wages of hospital workers have not been the main reason for rising hospital costs. Again the American Hospital Association is the source of my information.

From 1963 to 1968, the daily expense of so-called community hospitals went up by 59 percent. During the same five-year period, the average annual salary of employees in those hospitals went up only 35 percent. So the wages were rising at only a little more than half as fast as the total costs of the hospitals.

We must look to other explanations for the tremendous increase in hospital rates. Hospital bills are now largely paid by so-called "third parties"—private organizations such as Blue Cross and the insurance companies and government programs such as Medicare and Medicaid. They are called "third parties" because they are a fiscal agent between the actual consumers of medical care and the providers.

These third party organizations generally pay the hospitals on the cost-plus basis that we remember from World War II. The hospitals figure out what their costs are and then they are paid something over that. You can see that under this cost-plus system, the hospitals haven't the slightest incentive to increase their efficiency or to hold down their costs.

Most doctors are paid on another basis which isn't good from the consumer's viewpoint either. This is the fee-for-service system. Under this system the doctor gets a certain amount for every office visit or other type of treatment. This is a piece-rate system in which the doctor determines the number of pieces of service as well as the price per piece.

Now we have no objection to people making a decent income—doctors or anyone else. How could we object? It is the very purpose of the labor movement to try to obtain decent incomes for as many people as possible. So we think that doctors deserve to get an adequate income commensurate with their talents and their services.

But we think there is something indecent about a small group of people making a lot of money out of the misery of other people. And I am afraid that is what is happening in America today. This indefensible escalation of medical costs is depriving millions of Americans of the health care they need.

This profiteering by the providers of medical care has had its worst effects in Medicare and Medicaid. Labor fought hard for the establishment of these two programs. Although they are somewhat different, they both have a single goal—to provide needed medical care to people who cannot afford to pay for it themselves.

But what has been happening? Some doctors and other health practitioners have pounced on these programs as if they had been legislated as get-rich-schemes for the medical profession. And instead of controls being placed on fees and charges paid under these programs, the burden has fallen on the

disadvantaged people the programs were supposed to help.

The monthly premium older people must pay under Medicare has gone from \$3 at the start of the program to \$4 and next year it will be over \$5 a month for a single person and more than \$10 for an elderly couple.

The response to soaring Medicaid costs has been to remove poor people from eligibility altogether and for those still covered to cut back on services.

Yet before Medicaid and Medicare, doctors were either getting nothing at all or reduced fees from their patients now covered by these programs.

Well, what are we going to do about this situation? Is there an answer? Can we get good medical care for all Americans at a reasonable cost?

There is an answer. It is one the labor movement has advanced for many years, but we are more determined to achieve it today than ever before.

That answer is national health insurance, a program that would provide comprehensive health care for every American.

This comprehensive health care would include every kind of treatment that is necessary to maintain or restore good health. I'm talking about preventive services, all types of physicians' services, hospital and nursing home care, home health services, rehabilitation—in fact, the whole spectrum of health care.

It would be financed like Social Security, on social insurance principles but with a government contribution, as we are now advocating for Social Security itself. Since we think that every American is entitled to decent health care, the poor should be exempt from any payment but should be eligible for the same service as anyone else.

Doctors would continue to practice medicine without any interference. But we would expect the national health insurance system to encourage the highest quality of medical care, improvements in the efficiency of its delivery and effective controls on its cost.

For example, this would mean stimulating the development of prepaid group practice plans such as Kaiser Permanente, the Health Insurance Plan of New York and the Group Health Association here in Washington. I know you will be discussing these plans at your conference. I will only say now that we have been impressed by their record of high-quality health care at lower costs than the usual fee-for-service arrangement of doctors in solo practice. That is why the AFL-CIO is cooperating with Group Health Association of America in trying to get such plans underway in a number of cities across the country.

Can we afford National Health Insurance? I say we cannot afford *not* to have national health insurance. It is the only system that will provide truly adequate health care to all Americans.

First of all, more people would get health care and, in addition, people who today get some care, would get even more care.

Our Social Security Department has made some initial estimates of the cost of national health insurance. Even with the increases in health services under national health insurance, we could probably finance the program for no more and probably less than what we are now spending for medical care.

It is no secret that the trade union movement is for national health insurance. We have been saying that for a long time. But not so many people know that the majority of the American people are for a national health insurance system.

In January 1967, the Louis Harris poll asked the question: "Do you favor or oppose a Federal plan such as Medicare for older people which would cover all members of your family?" Of the 90 percent of respondents who had an opinion, a substantial majority said "yes." This is all the more remarkable when you consider that at that time the

issue had not been in the public eye for more than a decade.

The AFL-CIO is convinced that with national health insurance, Americans would have the best health care in the world. The American people deserve no less. We will do everything we can to obtain enactment of national health insurance at the earliest possible date.

And conferences like this will do much to help bring that day nearer.

#### OLIVER FIELD DEDICATED AT CULVER MILITARY ACADEMY

### HON. BIRCH BAYH

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Monday, December 1, 1969

Mr. BAYH. Mr. President, during impressive ceremonies at its homecoming football game this fall, Culver Military Academy in Indiana honored its long-time head coach, Russell Oliver, by naming its gridiron "Oliver Field." An outstanding athlete in his own right, not only in his prep years but also as one of the few nine-letter men in the history of the University of Michigan, Russ Oliver achieved a remarkable record at Culver as a winning coach for nearly three decades in all major sports.

But it is not only because of athletic ability or coaching success that this recognition was accorded Russ Oliver. He has earned the respect and admiration of thousands of students, alumni, and faculty with whom he has associated through the years because of qualities of character, leadership, and devotion to duty. Their attitude toward this remarkable man is well-expressed in the following sentence which is inscribed on the plaque dedicating Oliver Field:

An ingenious coach, a fierce competitor, a demanding teacher—a friend and inspiration for the one thousand Culver boys who grew to men under his guidance.

Mr. President, as a further tribute to the outstanding career of Russell Oliver, I ask unanimous consent that a brief article from the "Culver in Brief" be printed in the RECORD.

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

#### DEDICATION OF OLIVER FIELD HIGHLIGHTS HOMECOMING

Russ Oliver's 1000 "boys" honored their coach at homecoming by naming the gridiron "Oliver Field." Many of Oliver's former athletes were on hand for the ceremony at half-time of the traditional Culver-St. John's Military Academy game and for a banquet that evening.

Oliver coached Culver football 29 seasons, achieving a 138-80-2 record. He was head basketball mentor 23 seasons and scored 211 wins against 137 losses. As head coach of baseball 21 seasons he won 105 games and lost 76. He also served many years as athletic director.

Oliver N'28, '31G retired from coaching last year but remains at Culver as fulltime alumni secretary. He was one of the Academy's most outstanding athletes and his skill was once described in Grantland Rice's syndicated column as "about as close to a 'natural' as they come." He was named Culver's best all-around athlete and most valuable player in football and he captained both the basket-

ball and baseball teams. In Naval School he won the heavyweight boxing championship.

From Culver he went on to the University of Michigan where he became the fifth man to win nine varsity letters. He played fullback on Harry Kipke's football squad, guard in basketball and first base and catcher in baseball. While he was on the football team, Michigan won two Big Ten championships.

After graduation, Oliver returned to Culver to coach. His long career was interrupted only by World War II during which he served four years and left as an Army major.

Oliver's football coaching years, in particular, were marked with innovations. As early as 1947, Culver was using the double pass before any other high school had thought of it. "The Oliver Twist"—a wild offense including all kinds of laterals, quadruple passes and fakes—was a famous play for Culver in 1952.

Oliver had a hand in three of Culver's five undefeated football seasons—in 1930 when he was a player on coach Bob Peck's team and in 1936 and 1958 when he himself was coaching.

Oliver also played for Culver in a famous game with St. John's in 1930 in Chicago's Soldier Field. Culver cadets whipped the Wisconsin school 19-0 in that charity game.

And this homecoming Coach Dave Nelson's Eagles did it again—49 to 0—on "Russ Oliver Day." Besides the plaque to be installed on the field, Oliver's boys presented him and his wife Myra with a color television set, an electric golf cart and an all-expenses-paid vacation to Hawaii.

At a testimonial banquet that evening, Russ Oliver paid tribute to the coaches who had influenced his life—including one of his predecessors at Culver, Bob Peck, who was recently named to Sports Illustrated's All-Century Team, the best 11 players in the first 100 years of college football.

#### RESOLUTION FROM THE CITY OF WINTER PARK, FLA.

### HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. FREY. Mr. Speaker, under leave to extend my remarks in the RECORD, I am pleased to present the resolution passed by the City Commission of Winter Park, Fla., on November 12, 1969, supporting President Nixon in his efforts to obtain a just and lasting peace in Vietnam:

#### RESOLUTION No. 967 OF THE CITY OF WINTER PARK OF ORANGE COUNTY, FLA.

Whereas, the United States of America is presently engaged in a military conflict in Viet Nam that has caused widespread disension among the citizens of this nation, and

Whereas, the President of the United States has announced his intention to seek an honorable conclusion to this military conflict, and

Whereas, in times past the citizens of this nation have always united when conditions of peril and danger have confronted us, and

Now, therefore, be it resolved by the city commission of the city of Winter Park, Florida:

1. That the City of Winter Park supports the President of the United States in his endeavor to effect an honorable conclusion to the Viet-Nameese conflict.

2. That the City Commission of the City of Winter Park urges all of its citizens to support the President in his effort to seek

peace and by so doing display to all, our unity in these perilous times.

Adopted at a regular meeting of the City Commission of the City of Winter Park, held in City Hall, Winter Park, Florida, this 12th day of November, 1969.

DANIEL M. LUNSEN,  
Mayor-Commissioner.

Attest:

R. S. WATTS, City Clerk.

FEDERAL CIVILIAN EMPLOYMENT,  
OCTOBER 1969

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. MAHON. Mr. Speaker, under leave granted earlier today, I include a release highlighting the October 1969 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

MONTHLY REPORT ON FEDERAL PERSONNEL AND  
PAY FOR OCTOBER 1969

Executive agencies of the Federal Government reported civilian employment in the month of October totaling 2,938,388. This was a net decrease of 19,998 as compared with employment reported in the preceding month of September.

Civilian employment reported by the executive agencies of the Federal Government, by months in fiscal year 1970, which began July 1, 1969 follows:

Month	Employment	Increase	Decrease
1969:			
July.....	3,062,319	9,276	
August.....	3,028,521		33,798
September.....	2,958,386		70,135
October.....	2,938,388		19,998

Total federal employment in civilian agencies for the month of October was 1,653,141, a decrease of 8,847 as compared with the September total of 1,661,988. Total civilian employment in the military agencies in October was 1,285,247, a decrease of 11,151 as compared with 1,296,398 in September.

Civilian agencies reporting the largest decreases were Agriculture Department with 4,408, Department of Health, Education and Welfare with 3,161, Treasury Department with 1,985 and Interior Department with 1,101. Commerce Dept. reported a net increase of 2,393, due to build up in temporary decennial census employment.

In the Department of Defense the largest decreases in civilian employment were reported by the Army with 4,282, Navy with 4,019 and Air Force with 2,404.

Total employment inside the United States in October was 2,692,600, a decrease of 17,540 as compared with September. Total employment outside the United States in October was 245,788, a decrease of 2,458 as compared with September. Industrial employment by federal agencies in October was 578,204, a decrease of 7,418 as compared with September.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

FULL-TIME PERMANENT EMPLOYMENT

The total of 2,938,388 civilian employees reported for the month of October 1969 includes 2,620,337 full-time employees in permanent positions. This represents a decrease of 12,949 in full-time permanent employment from the preceding month of September. These figures are shown in the appendix (p. 17) of the accompanying report.

FOREIGN NATIONALS

The total of 2,938,388 civilian employees certified to the Committee by federal agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 111,344 foreign national working for U.S. agencies overseas during October who were not counted in the usual personnel reports. The number in September was 112,217.

(NOTE.—The monthly report has been distributed, but a limited supply is usually available at the Committee, room 329, Old Senate Office Building.)

POLITICS DEEP IN OIL IMPORTS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. VANIK. Mr. Speaker, the November 23 issue of the Cleveland Plain Dealer contains an excellent article by Donald L. Barlett entitled "Politics Deep in Oil Imports." The article describes the pressures and often hidden influences at work to protect oil profits and to maintain the oil import program. Under particular pressure is the Oil Import Task Force, which is reviewing this oil subsidy program that yearly costs the American consumer about \$7 billion.

I would like to include in the RECORD at this point a letter which Congressman SILVIO CONTE and I, as well as 90 others, have sent to the Oil Import Task Force urging a strong public and consumer interest report by the task force. In addition, I would like to include Mr. Barlett's article from the Plain Dealer:

NOVEMBER 19, 1969.

HON. GEORGE P. SHULTZ,  
Chairman, Task Force on Oil Import Control,  
Washington, D.C.

DEAR MR. SECRETARY: As your distinguished Task Force nears the time for completion of its report to the President, we want you to know that we, and the millions of American consumers we represent, are deeply committed to the position that the oil quota system should be substantially liberalized if not abolished.

This is not the time to reiterate the reasons why reform must come. We are satisfied that your Task Force has more than ample evidence in support of our position.

Our purpose here is simply to remind you that, in addition to the logical and historical evidence against the present system, there is nationwide popular demand for this change.

There has reportedly been of late a concentrated effort on the part of major oil companies and their representatives to persuade you to support the status quo.

While these advocates are certainly entitled to be heard, we want to be sure you know that the millions of American consumers we represent are no longer willing to pay the artificially high prices imposed upon them by this system, particularly since this high cost is imposed upon them without the usual budgetary review.

We are confident that you will hear their voices and hopeful that we can all look forward to a rational national oil policy.

Sincerely,

EDWARD W. BROOKE,  
U.S. Senate.

WILLIAM PROXMIER,  
U.S. Senate.

SILVIO O. CONTE,  
Member of Congress.

CHARLES A. VANIK,  
Member of Congress.

NOTE.—There is attached a list of the signatories to this letter from both the U.S. Senate and the House of Representatives.

POLITICS DEEP IN OIL IMPORTS

(This article on the political implications of a cabinet-level study of the nation's mandatory oil import control program is one in a series of Plain Dealer reports on the oil industry—its unique federal income tax allowances and governmental subsidies.)

(By Donald L. Barlett)

WASHINGTON.—The oil industry is dipping deep into its bag of legendary political tricks to perpetuate the nation's costly mandatory oil import control program.

So far the bag has yielded an assortment of politicians with vested interests in oil and oilmen with influence throughout the federal government—including the White House.

The government's import quota policies—worth billions of dollars annually to oil companies—are undergoing an extended examination by a cabinet-level task force.

The study was ordered last February by President Richard M. Nixon as the result of a controversial proposal to establish a foreign trade zone at Machiasport, Maine.

Now, nine months later, with the political implications looming ever larger, the task force nearing a decision on its recommendations, Nixon is locked into the bitter intra-industry dispute over imports.

On one side are long-time friends of the President who are either oilmen or have ties to the industry.

On the other side is the silent majority and reform-minded congressmen, who earlier this year spurred the House of Representatives into passing legislation overhauling the federal income tax laws.

Creation of a foreign trade zone at Machiasport would enable a company to import cheap foreign crude oil without the usual quota restrictions, refine it and sell it at prices below those of competitors using more expensive domestic crude.

The quota program, which limits the amount of foreign oil that may be brought into the country, costs the American consumer from \$4 to \$7.2 billion a year in higher prices on oil and gas products.

Import quotas, when coupled with the 27½% depletion allowance, production payments and an array of other subsidies and loopholes, provide oil companies with multimillion dollar profits each year that are tax-free.

Nixon's task force is taking a broad look at the quota system—focusing particular attention on foreign trade zones and Machiasport—to determine what changes, if any, should be made in the 10-year-old program.

The interwoven interests of oilmen and politicians involved in the task force inquiry offer a classic textbook study of the politics of oil, a Plain Dealer investigation has disclosed.

For example:

Item. Before taking office, Nixon and his law firm, Nixon, Mudge, Rose, Guthrie, Alexander and Mitchell, represented one of the principals in the Machiasport affair, John M. Shaheen, a wealthy oil promoter and president of Shaheen Natural Resources Co., Inc. of New York.

Any decision the President makes on future import quota policies will affect Shaheen's companies.

Shaheen, who also is president and chief executive officer of Macmillian Ring-Free Oil Co., Inc., is a personal friend of the President.

He was a Republican Party fund raiser in 1968 and, according to congressional records, contributed at least \$13,000 to Nixon's campaign.

Item. U.S. Commerce Secretary Maurice H. Stans is a member of the oil import task force and also heads a three-member board

that must approve applications for foreign trade zones.

The Plain Dealer revealed last July that Stans—another Republican fund raiser and Nixon friend—was involved in various oil dealings that date back to the early 1950s.

From 1963 until his appointment as Commerce secretary last January, Stans was a stockholder and director of the Fluor Corp., a California contractor that builds refineries and services American oil companies around the world.

Two weeks ago, the Fluor Corp. pleaded guilty in U.S. District Court in Los Angeles and was fined \$10,000 for making illegal political campaign contributions in 1964 and 1966.

The company's contributions totaled \$30,000 with \$25,000 going to an unnamed presidential aspirant in 1964.

The other \$5,000 went to congressional candidates in Georgia, Texas and California in 1966.

The Federal Corrupt Practices Act bars political contributions by corporations and labor unions in federal elections.

Item. Walter J. Hickel, a Republican, also is a member of the six-man oil import task force and as U.S. secretary of the Interior is responsible for allocating import quotas to oil companies.

A decision by the task force to sharply increase quotas or phase them out could slow down Alaska's oil boom.

Similarly, a recommendation to continue the present system or reduce quotas would insure further development of the state's oil industry.

Hickel's oil holdings were valued at about \$1 million when he was appointed Interior secretary. While governor of Alaska, he was linked closely to oilmen in that state and speculated in oil and gas leases.

Six months after taking office, Hickel sold his oil stocks at a substantial profit.

Item. Robert O. Anderson, Republican, is chairman of the board and chief executive officer of Atlantic Richfield Co., another company that figures prominently in the Machiasport controversy.

Atlantic Richfield says it is studying the possibility of building a refinery at Machiasport—but it doesn't want a foreign trade zone.

Anderson was a major contributor to Nixon's presidential campaign and generally is credited with having recommended Hickel to the president for the interior department post.

Item. Occidental Petroleum Corp. of Los Angeles, headed by Dr. Armand Hammer, advanced the Machiasport foreign trade zone proposal last year.

Occidental wants the trade zone and a special import license to go with it. The company has huge oil fields overseas, but is unable to market the oil in the United States because of the restrictive quotas.

Last spring W. Marvin Watson was appointed president and Tim M. Babcock executive vice president of Occidental International Corp., a subsidiary set up to handle Occidental's foreign operations.

Watson, a Democrat, was postmaster general and special assistant to President Lyndon B. Johnson. Babcock, a Republican, is a former governor of Montana.

Item. Governors of four oil-producing states met two weeks ago with several task force members—including Stans and Hickel—to express their support of continued import controls.

The governors got together with the study group in the White House office of Peter M. Flanigan, a special assistant to Nixon.

Another Nixon fund raiser, Flanigan was a vice president of Dillon, Read & Co., an investment house, before joining the President's staff.

Dillon, Read is an underwriter for oil companies. Flanigan's father, Horace C. Flanigan, was a director of the Union Oil Co. of California.

Item. About the same time the governors

met with the task force representatives, Michael L. Haider chatted privately with Nixon.

Haider is the retired chairman and chief executive officer of Standard Oil Co. (New Jersey), the world's largest and most powerful oil company.

He observed that Nixon had a good grasp of the mandatory oil import control program. Haider said that he was confident the task force study would be favorable to the oil industry.

None of this is to say that payoffs—either direct or indirect—have been made to persons associated with the task force or the Machiasport project.

But the web of intricate interrelationships suggests a built-in prejudice in favor of the oil industry and guarantees a sympathetic hearing for oilmen and their political allies.

The group with the most at stake, the taxpayer and consumer who foots the bill, has little or no voice in the matter.

The situation is not unique. Over the years the petroleum industry has had easy access to Washington politicians and key federal officeholders, many of whom have had personal oil holdings.

Congressional critics say this intermingling of oil and political interests has produced the preferred federal income tax status of the industry.

The Plain Dealer learned that before the governors of Texas, Wyoming, Illinois and Kansas met with task force personnel, they huddled with Frank Ikard.

A former Texas congressman, Ikard, is president of the American Petroleum Institute (API), the chief lobbying and information arm of the petroleum industry.

Haider, the former Standard Oil Co. chief executive, is chairman of the API board.

The separate White House meetings of the governors and Haider brought the oil import study full circle.

For it was Haider and Ikard who last February urged Nixon to appoint a cabinet-level committee to study and reevaluate the quota system.

They made the recommendation in a five-page memorandum to Dr. Arthur F. Burns, an economist and special counselor to the President.

A cover letter was signed by Ikard and dated Feb. 5. Two weeks later, on Feb. 20, Nixon ordered a "full review" of oil import policies.

The request for the study came as pressure began to mount on the Nixon administration to approve Occidental Petroleum Corp's plan for a foreign trade zone at Machiasport.

The project had the bipartisan backing of New England governors, congressmen and senators and the support of the business community in the Northeast.

It was opposed by just about every other oil company in the country, including Standard Oil Co. (New Jersey), and the API.

Occidental said it would build a 300,000-barrel-a-day refinery if the federal government OK'd requests for the free trade zone and a special import license.

The special license would mean a sharply increased quota for Occidental, well above the average oil company's allotment.

In return, the company promised New Englanders—who pay more for fuel oil than homeowners in any other section of the nation—a 10% reduction in prices.

Other companies and oil-producing states like Texas and Louisiana viewed the Occidental proposal as an attempt to undermine the rigid restrictions on imports of low-cost foreign crude oil.

After Occidental made its bid, Shaheen Natural Resources Co., Inc., announced that it too, would build a 300,000-barrel-a-day refinery at Machiasport if the government created a foreign trade zone.

Unlike Occidental, though, Shaheen said it would not seek a special import license—

unless the interior department granted one to another company.

When the cabinet task force inquiry was well underway, Atlantic Richfield said it was studying the possibility of building a 100,000-barrel-a-day refinery at Machiasport—without seeking either a trade zone or import license.

The entry of Shaheen and Atlantic Richfield into the great Machiasport refinery race added a new dimension to the import dispute—and another layer of interlocking oil and political interests.

For example:

Atlantic Richfield says it does not need a special import license because it would process crude oil from the company's vast new Prudhoe Bay field in Alaska.

Hickel, one of the task force members, was governor of Alaska until last January and has strong ties to the state. He played a major role in attracting industry to Alaska.

An Occidental refinery at Machiasport could give the company a competitive edge in some markets over a Shaheen refinery already under construction at Come-by-Chance, Newfoundland, Shaheen worked out an agreement, described as "a sweet deal," by his Canadian critics, to build and operate the Newfoundland refinery—along with a petrochemical and pulp and paper mill complex—after a bitter political battle in Canada.

Shaheen's lawyer for the project was Nixon.

When oilmen Haider and Ikard asked the President for a review of the mandatory oil import control program, they referred specifically to foreign trade zones.

In their memorandum to Burns, they cited 10 subject areas for the task force to examine, including "foreign trade zones as a device to secure privileged quotas."

The API spokesmen, in an indirect reference to the pending trade zone application for Machiasport, declared:

"Due to the obvious security, economic and political implications of the program, it is critical that a review be undertaken immediately before further changes or exceptions are made."

For more than six months now, the task force staff, headed by Phillip Areeda, a member of the Harvard University Law School faculty, has been assembling data on the quota system.

Oil companies, public officials and special interest groups have submitted to the panel scores of reports outlining their arguments for retaining, modifying or abandoning the quota program.

As the material started pouring in, congressional oil experts told The Plain Dealer, there was a growing concern in the petroleum industry that the staff might recommend substantial changes in import quota policies.

This has resulted, industry critics say, in a series of last-minute visits to federal offices by oil lobbyists and oil-oriented politicians.

Said one observer: "They are talking to anyone they think might be able to help them."

Opponents of the import program are worried about the meeting. An aide to Gov. Kenneth M. Curtis of Maine told The Plain Dealer:

"Our understanding was the task force was to take statements of fact. We're very concerned about these meetings."

#### TRIBUTE TO OHIO STATE'S REX KERN

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. MILLER of Ohio. Mr. Speaker, in this 100th anniversary year of college

football, we from the State of Ohio are especially proud of the accomplishments of the Ohio State team, coached by Woody Hayes and led by their outstanding field general, quarterback Rex Kern from Lancaster, Ohio.

Rex exemplifies the highest standards of sportsmanship and good citizenship both on and off the playing field. He achieved the rare honor of being chosen Ohio High School All-State in three sports—football, basketball, and baseball. While starring for one of the strongest college football teams in the country for the past 2 years, he has also been an active participant in the Fellowship of Christian Athletes. One of the prime candidates for the 1970 Heisman trophy should be Ohio State's Rex Kern.

#### PATIENCE

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. MICHEL. Mr. Speaker, the December edition of Reader's Digest has an unusual editorial appropriately entitled "Patience!" It deals with why we are fighting in Vietnam.

I would like to read just a section of this editorial since it is pertinent to what we are discussing here today. I quote:

Vietnam has come to be a crisis point. If America and its allies in South Vietnam were to fail, the cause of freedom would fall and the area of freedom would be diminished. The lesson would be clear for all to read. *Defeat lies in store for those who put their trust in the United States. Freedom is a dead dream; the future belongs to the enslaver.*

If the world were to witness such a defeat, the United States, leader of the free world, overnight would lose the respect of the world and would lose its self-respect. In a test of will, the United States would have been found wanting. In a test of conscience, the United States would have been found to have no conscience. In a test of strength, the United States would have been found to have not strength enough.

Did 39,000 American boys die for this? Has America forgotten the stuff it is made of, its purpose in this world?

Mr. Speaker, I commend this entire editorial to my colleagues and insert it in the RECORD at this point:

#### PATIENCE

For nearly five long years our nation has been immersed in a bloody, baffling and undeclared war 12,000 miles from our shores. The immediate aim of the United States in this effort is to prevent the enforced communist domination of a people who ask only to be allowed to live in freedom. Seldom if ever in our history have we endured a more frustrating and traumatic experience.

Into the deltas and jungles of South Vietnam we have poured some 95 billions of dollars of our treasure. We have seen nearly 40,000 of our young men go to their graves. The American objective in this war has been clear and carefully limited. We seek no territory. We seek only to give the people of South Vietnam an opportunity to determine their own destiny. Our immutable, bedrock position is that the communist

enslavement of the nations of Southeast Asia must stop at the 17th parallel.

Four American Presidents have committed our nation to this position—in the belief that the defense of South Vietnam is a defense not only of one country but of all of Asia.

Despite the dimensions of the threat, the United States has conducted the most restrained war that any nation has ever fought. Now, at last, we begin to see the successful end to our efforts. The American and South Vietnamese troops, as well as the troops of other nations who have fought, bled and died in this cause, have brought the war to a point where it is impossible for the enemy to win it by force of arms.

As the following article by Joseph Alsop points out, the enemy is in serious trouble. The Vietcong guerrillas control less and less of the countryside, and the North Vietnamese armies are feeling the heavy drain on their manpower. That the United States is able to order the withdrawal of 60,000 troops from Vietnam—with more to come—shows that our position is increasingly strong. The leaders of the communist world know that time is no longer on their side.

Why, then, do they continue to hold out? Where do they look for hope of victory? As they survey the scene of battle, the North Vietnamese leaders and their Soviet and Chinese allies do not yet despair, for they know there still remains one resource that can tip the scale in their favor.

The enemy's greatest hope lies in the division that he has created in public opinion in the United States. This is why the enemy fights on. This is why the Soviet Union has continued to support him in Vietnam. This is why Hanoi holds out in Paris. This is why the enemy refuses concession after concession offered him at the conference table. He clings to the belief that the American patience will run out, that sooner or later the American people will persuade their President to run up the white flag of ignominious surrender.

This is the hope that keeps the enemy going. Were it not for this, the war would have ended before this. No one will ever know how many American boys have gone to their death because the enemy holds on, watching for signs that American resolve is weakening.

To the enemy the constant outcries in the United States must sound like so many bombs being dropped against our troops in South Vietnam. The anti-war speeches in Congress, the campus protests from students and faculty, the barrage of defeatist editorials in some of the most powerful newspapers, these are worth regiments and whole divisions to the enemy. He reads his newspaper, hears the broadcasts, rubs his hands and once more refuses to talk in Paris, refuses to call his invaders back from South Vietnam.

Were it not for his belief that the American patience will crack, the enemy would lose his reason to keep on fighting. It is a monstrous irony that the louder the protest is raised against the war, the longer the war will continue.

Most of those who oppose the war sincerely believe that they are somehow helping to save the United States from error. But against that minority belief must be weighed the cost to the nation. For these are the voices that are listened to in Hanoi—and these are the voices that prolong the months of battle. In the interests of peace, they should now be lowered.

The President of the United States has said that he will not be shaken from his resolve to honor our nation's commitment—and our dead—in Vietnam. In this resolve, he is neither blind nor willful. No matter how loud the clamor from critics in Congress becomes, he will hold his course. He knows the nature of the enemy, the nature of the enemy's designs in Asia and the world. Most

of all, he knows the consequences of a craven act of surrender on our part in South Vietnam. The results would haunt us for years to come.

The first consequence would be a blood bath for our friends—the certain slaughter of tens of thousands of South Vietnamese whose only mistake was to have trusted the word and will of the United States. The communists would deal swiftly and unmercifully with these as they butchered their way to power. Let there be any doubt about this, we have only to look at what happened in Hue, where several thousand South Vietnamese were shot or buried alive during the brief communist occupation of the city during the 1968 Tet offensive.

The next to suffer from our betrayal would be the nearby countries of Cambodia, Laos, Thailand and Malaysia. They could not hope to remain free once the South Vietnamese roadblock to communism had been removed. The communist domination of Southeast Asia would shake countries even farther away—such as Indonesia, India, Japan.

Vietnam has come to be a crisis point. If America and its allies in South Vietnam were to fail, the cause of freedom would fall and the area of freedom would be diminished. The lesson would be clear for all to read. *Defeat lies in store for those who put their trust in the United States. Freedom is a dead dream; the future belongs to the enslaver.*

If the world were to witness such a defeat, the United States, leader of the free world, overnight would lose the respect of the world and would lose its self-respect. In a test of will, the United States would have been found wanting. In a test of conscience, the United States would have been found to have no conscience. In a test of strength, the United States would have been found to have not strength enough.

Did 39,000 American boys die for this? Has America forgotten the stuff it is made of, its purpose in the world?

If one listened only to the cries of those who urge peace at any price, one would have cause to question—as Hanoi must question—the essential fiber of this nation. But the cries for a dishonorable end to the war do not reflect the will of anything like the majority of the American people. Nor do many of those who urge withdrawal really mean that they would accept peace on the enemy's terms. They simply want—as who does not?—an end to the war.

It is easy for the enemy to underestimate this country. In waiting for us to surrender, he hears the shrill protests and misses the true, patient heartbeat of America. This country has never lost a war; it has never surrendered to an enemy. And it is not about to do so now.

The need today, when an honorable end to the war is within sight, is for courage and patience, in the best American tradition. When their country is in trouble the American people close ranks and stand together. Together, we have brought our country through many storms.

We are now in the midst of a storm, and we will see it through. If the enemy is counting on this nation to falter, he is wrong. The heart of America is as strong as ever, and its patience will endure. Our enemy need not question it. Our allies need not doubt it. Our President need not wonder.

#### THE NEED TO HONOR AMERICA

### HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. BURKE of Florida. Mr. Speaker, not long ago, I received a letter from Mr.

Charles W. Wiley, executive director of the National Committee for Responsible Patriotism asking me to endorse the week of November 10 to 16 as "Honor America Week."

I, of course, was delighted to join with the millions of other Americans across the United States in our showing devotion to our Nation.

In a brochure sent to me by Mr. Wiley, the group claims support from President Nixon, former Vice President Humphrey, the late President Dwight D. Eisenhower, and many, many other national leaders.

I am sure several of my colleagues received a similar plea to support this most worthy cause and each of us will attempt to honor America in some way of our own choosing.

I had the honor to be the speaker at a number of Veterans Day ceremonies within my district and as I traveled throughout Central and South Broward and North Dade, Fla., I know now what the President meant by the silent majority.

When I stood in a cemetery on Veterans Day listening to our veterans and others give praise to our country and fighting men past and present, I asked silently why do we need a National Committee for Responsible Patriotism? and Why do we need an Honor America Week?

It seemed to me that each citizen should be so proud to be an American that each day would be an "Honor America Day." But, unfortunately, I am taking the liberty of being too idealistic for we all know full well that this isn't the situation in America today for there are too many individuals and groups intent on ridiculing our Nation and her proud past.

As I thought further about the need for a committee to promote patriotism, I truly felt deeply concerned that our country, which has given so much to so many should need to urge its citizens to honor her, and as I reflected further I concluded that we really do need to promote patriotism by reminding those who prefer to forget the goodness of America and its people.

Thus it appears to me that today there is even a stronger reason for groups to counter the ever-increasing voices who though ill advised are nevertheless rapidly mobilizing forces to work against the America most of us have learned to love.

Surely by now, most of us know these radicals by sight and their sounds. We see them on television and hear their divisive words. They are no longer secret since they are now quite vocal in their aims, which are simply to destroy the United States.

Ironically, as I glanced through the Veterans Day edition of the Washington Post, I noticed a glaring headline that read, "Dr. Levy Says Che Is His Hero."

Who is Dr. Howard Levy? He is the New York doctor who was jailed 2 years ago for refusing to teach medical skills to green berets while serving in the U.S. Army and is now released on appeal bond from Federal prison.

The doctor, who is now working for

some group called the Health Policy Advisory Center in New York City, told the American Public Health Association at a meeting last Monday that Ernesto "Che" Guevara was his model hero. He states that:

A true revolutionary is motivated by feelings of love. Three or four years ago I was a budding practitioner ready to make my \$50,000 a year. Now I'm a radical.

This so-called American further challenged the liberals in the group to decide whether they want to support the revolutionaries or the Government of the United States, which has the power which he and the other radicals want. He then said:

They've got the power, but we're going to get it, and no one is going to stand in our way.

Although the news story indicated that he received only mild applause, yet there were in the audience a few who jumped to their feet and displayed the revolutionary symbol of the clenched fist.

This incident and other similar incidents graphically brought home to me the need for the patriotic forces in our society to stand up and be counted for America before the likes of Dr. Levy and other radicals count them out.

Yes, Dr. Levy was a man who was provided with all the education needed in the United States to earn an excellent income and do good for many, but who now wants to overturn the Government which gave him his golden opportunity.

I can only say then that we need prayer and hope that our veteran organizations, the National Committee for Responsible Patriotism and other similar groups continue to grow in size and prestige and that more and more Americans will take part in the crusade to keep America great.

There is no doubt that we are today fighting a battle of the minds and whether we are called the silent majority or by some other name we all have a role to play in drowning out the voices of the rising radicalism.

The time is now. Awake America, we have slumbered too long and if we wait much longer perhaps very soon we may awake to the sounds of military boots and gunshots under the direction of some Communist or Fascist dictator.

Let us have faith in each other and love and support the America we know.

Yes, I am for "honoring America" this week and each day and week hereafter because your country and my country needs us now more than ever.

#### PEOPLE'S REPUBLIC OF SOUTH YEMEN INDEPENDENCE DAY

#### HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. POWELL. Mr. Speaker, I would like to pause today to pay tribute to the People's Republic of South Yemen whose second anniversary of independence will

be celebrated on November 30. The new nation of Yemen is composed of the port of Aden and desert territory in southwestern Arabia as well as the islands of Perim and Kamaran. Most of the people of Southern Yemen are Moslems.

Preceding its independence, the land which is now Southern Yemen was composed of Aden, a British crown colony, and the protectorate states which were members of the Federation of South Arabia. This area of Arabia has a long history dating back to the beginning of recorded time. Many have suggested that Aden is the original Eden of the Bible. The earliest known mention of the area and its people is in the Biblical reference in Ezekiel to the blue robed spice merchants of Aden. According to the legend of South Arabia, history began with the great flood and the building of a boat by Nuh—Noah. The receding waters shaped the wadis, valleys, and mountains of the region and left the land in the hands of a race of giants, the least of whom became the predecessors of today's Bedouin inhabitants.

Aside from the important port of Aden, the country's economy is dependent on farming, sheep and goat herding, and fishing. Aden is one of the busiest ports in the world and the site of a large oil refinery. The current closure of the Suez Canal, however, has had a negative impact upon Southern Yemen's economic welfare.

The United States was among the first nations to recognize the new People's Republic of Southern Yemen. On December 14, 1967, under the sponsorship of Great Britain, Southern Yemen became the 123d member of the United Nations. This new nation is also a member of the Arab League.

Thus, on the second anniversary of its independence, I call upon my colleagues to join with me in wishing this new nation a peaceful and prosperous future.

INVOCATION BY REV. THOMAS L. DEPA, PASTOR OF ST. STANLAUS CHURCH, TERRE COUPEE, NEW CARLISLE, IND., AT DEDICATION OF THE BENDIX WOODS RECREATIONAL PARK, ST. JOSEPH COUNTY, IND., OCTOBER 19, 1970

#### HON. JOHN BRADEMÁS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. BRADEMÁS. Mr. Speaker, recently I had the privilege of participating in the dedication of the Bendix Woods Recreational Park in my home county of St. Joseph in Indiana.

On this occasion, I was much moved by an eloquent invocation delivered by the Reverend Thomas L. Depa, pastor of St. Stanlaus Church, New Carlisle, Ind.

I am inserting in the RECORD the text of Father Depa's invocation:

INVOCATION BY REV. THOMAS L. DEPA

We are grateful to Thee God Almighty for the department of parks and recreation, for establishing this facility for the benefit of

our bodies, our souls and for the preservation of Your created beauty.

However, dear God, we have one complaint, we lament the unreasonableness of some of our citizenry, who in the name of progress are destroying nature's capital three F's; namely; Fur, Feather and Fish. Instead of relying on their own natural locomotion in hunting and fishing, they are using snow-mobiles and swamp buggies to invade the nesting and birth places of Fur, Feather and Fish, thereby speeding up their eventual extermination.

Oh God, we deplore the lack of foresight of some of our officials, who again, in the name of progress and the almighty dollar are destroying the forest, polluting the air and streams; and draining our swamp lands.

My God, in the name of progress we are depleting the precious minerals You have stored in the bowls of the earth for the use of future generations, while billions of tons of metals are rusting away in junk yards.

We beg You, dear Lord, to forgive us for all our sins committed against your created beauty. Inspire our citizenry and officials, to preserve Your irreplaceable beauty and resources. Amen.

**REPRESENTATIVE TAFT SUPPORTS  
COMMEMORATIVE STAMP IN  
HONOR OF ERNIE PYLE—PRAISES  
EFFORTS OF CLEVELANDER**

**HON. ROBERT TAFT, JR.**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. TAFT. Mr. Speaker, it is my understanding that the Citizens Stamp Advisory Committee has under consideration the possibility of issuing a stamp in honor of Ernie Pyle.

The drive for this stamp has been spearheaded in large measure by Mr. Nunzio R. Calvo, of Cleveland, Ohio. Mr. Calvo, who serves as commissioner of soldiers relief for Cuyahoga County, and is president-elect of the Greater Cleveland Veterans Council, believes that a commemorative stamp would be a fitting way to mark the 25th anniversary of Mr. Pyle's death, in 1970.

I am pleased to join Mr. Calvo in this regard and to urge my friends and colleagues to support the issuance of this stamp.

The following articles describe some of the effort involved in Mr. Calvo's 3-year campaign for the special Ernie Pyle Stamp:

[From the Christian Science Monitor, Nov. 1, 1969]

**COMMEMORATIVE STAMP**

TO THE CHRISTIAN SCIENCE MONITOR:

On April 18, 1970, it will be 25 years since one of America's greatest and most beloved personalities was lost. Ernie Pyle has not only won a permanent place in the hearts of Americans as evidenced by the thousands who visit his grave in Honolulu, but he has won for our war correspondents the trust and respect of the American people and their fighting men. The memory of Ernie Pyle will continue to inspire today's war correspondents who are again bravely accompanying our fighting men into the swamps and jungles of Vietnam.

Ernie Pyle was responsible in World War II for combat infantrymen and medics receiving an extra \$10 a month in pay—he was responsible for the wearing of overseas bars on the left sleeve of uniforms. He was be-

loved by the men in-combat, as well as the people back home.

The late General Eisenhower said of Ernie Pyle, "we have lost one of our best and most understanding friends," and in the words of President Truman, "no man . . . has so well told the story of the American fighting man as American fighting men want it told. He deserves the gratitude of all his countrymen." These remarks are a lasting tribute for a great person.

Ernie Pyle still has our gratitude, and next April will be the month to remember him. What better way could this be done than to have a commemorative stamp issued to honor this outstanding individual? Next year will be the 25th anniversary of his death. This would be the ideal time to pay homage to him. All former GIs who knew him and served with him, as well as those back home to whom he reported, should entreat the Post Office Department and the Citizens Stamp Advisory Committee in Washington now to authorize the issuance of a commemorative stamp for Ernie Pyle.

N. R. CALVO.

CLEVELAND.

**ERNIE PYLE COMMEMORATIVE STAMP BOOSTED  
BY NUNZIO CALVO**

CLEVELAND, OHIO.—An all-out effort is underway for the issuance of a commemorative stamp for Ernie Pyle. The project is spearheaded by Nunzio Calvo of Cleveland, Ohio, a member of Avanti Amerita Lodge No. 133.

Bills have been introduced in Congress to provide for the issuance of the stamp to honor the World War II correspondent. Having been referred to the committee on Post Office and Civil Services, one of the bills calls for date of issuance on April 18, 1970, the 25th anniversary of the death of Ernie Pyle. On that date, it will be twenty-five years that one of America's greatest and most beloved personalities was lost. Ernie Pyle has not only won a permanent place in the hearts of Americans as evidenced by the thousands who visit his grave in Honolulu, but he has won for our war correspondents the trust and respect of the American people and their fighting men. The memory of Ernie Pyle will continue to inspire today's war correspondents who are again bravely accompanying our fighting men into the swamps and jungles of Vietnam.

Ernie Pyle was responsible in World War II for combat infantrymen and medics receiving an extra \$10 a month in pay—he was responsible for the wearing of overseas bars on the left sleeve of uniforms. He was beloved by the men in combat, as well as the people back home.

The late General Eisenhower said of Ernie Pyle, "we have lost one of our best and most understanding friends," and in the words of President Truman, "no man . . . has so well told the story of the American fighting man as American fighting men want it told. He deserves the gratitude of all his countrymen." These remarks are a lasting tribute to a great person.

Ernie Pyle still has our gratitude, and next April will be the month to remember him. What better way could this be done than to have a commemorative stamp issued to honor this outstanding individual? Next year will be the 25th anniversary of his death. This would be the ideal time to pay homage to him.

The original proposal for the stamp was the idea of Nunzio Calvo of Cleveland, he himself a veteran of World War II. He has contacted members of the House and Senate in Washington, and received written approval of the idea from several, two of which introduced the legislation. He has received some national publicity on the project and received enthusiastic replies from individuals throughout the country. Postmaster General Winton W. Blount has also been contacted. The proposal has been placed on the agenda

for consideration by the Citizens' Stamp Advisory Committee.

Calvo is urging all former GIs who knew Ernie Pyle and served with him, as well as "those back home" to whom he reported, to contact the Post Office Department and the Citizens' Stamp Advisory Committee in Washington by letter now to authorize the issuance of a commemorative stamp for Ernie Pyle.

Nunzio Calvo serves as commissioner of Soldiers Relief for Cuyahoga County in Cleveland, Ohio, where he is active in veteran affairs and a member of veteran organizations.

[From the Ohio VFW News, October 1969]

**ERNIE PYLE STAMP CONSIDERED**

Veterans organizations are being asked to support a proposal which has lead to bills being introduced in Congress to provide for the issuance of a commemorative stamp honoring World War II correspondent Ernie Pyle.

Having been referred to the committee on Post Office and Civil Services, one of the bills calls for date of issuance on April 18, 1970, the 25th anniversary of the death of Ernie Pyle.

Pyle has not only won a permanent place in the hearts of Americans, as evidenced by the thousands who visit his grave in Honolulu, but he has won for our war correspondents the trust and respect of the American people and their fighting men. The memory of Pyle will continue to inspire today's war correspondents who are again bravely accompanying our fighting men into the swamps and jungles of Vietnam.

Pyle was responsible in World War II for combat infantrymen and medics receiving an extra \$10 a month in pay and he was responsible for the wearing of overseas bars on the left sleeve of uniforms.

The late General Eisenhower said of Pyle, "We have lost one of our best and most understanding friends," and in the words of President Truman, "No man . . . has so well told the story of the American fighting man as American fighting men want it told. He deserves the gratitude of all his countrymen."

The original proposal for the stamp was the idea of N. R. Calvo of Cleveland—a veteran of World War II. He has contacted members of the House and Senate in Washington, and received written approval from several. Postmaster Gen. Winton M. Blount also has been contacted. The proposal has been placed on the agenda for consideration by the Citizens' Stamp Advisory Committee.

Calvo is urging veterans organizations and all former GIs who knew Pyle and served with him, as well as "those back home" to whom he reported, to contact the Post Office Department and the Citizens' Stamp Advisory Committee in Washington to authorize the issuance of the commemorative stamp.

Calvo is a life member of VFW Post 5799 of Cleveland, and serves as commissioner of Soldiers Relief for Cuyahoga County in that city. He is active in veterans affairs and a member of other veterans organizations.

**PUBLIC LAW 90-505**

**HON. HOWARD W. POLLOCK**

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. POLLOCK. Mr. Speaker, I wish to call to my colleagues' attention a matter of grave concern. I am greatly troubled by the proposed Resolution 23-374 of the Federal Home Loan Bank Board, which would compel all members of the savings and loan industry to sell all Government bonds with a maturity of more than 5 years at a substantial loss.

This loss is so substantial that it would remove hundreds of millions of dollars from the members of the Federal Home Loan Bank throughout the country and actually throw this money away. The resulting loss can only mean that the associations could make less home loans for our constituents. It seems obvious that we want to avoid this.

This loss would be so substantial that it could cause many of these associations to go into bankruptcy or at the very least, deep indebtedness. This amount of money going down the drain would remove an equal amount of money from the liquidity reserves of these associations and force them to somehow furnish additional money for liquidity, thus taking many more millions of dollars from its intended purpose of helping homeowners acquire and keep their homes.

Is it not true that long-term bonds can be sold and converted into cash in exactly the same time that it takes to sell short-term bonds? Of course that is true. Accordingly, the money invested in long-term bonds is as readily available for liquidity purposes as short-term bonds would be. Then why does the Home Loan Bank Board wish to enact, promulgate, and enforce such a harmful regulation?

When the savings and loan industry was required to furnish liquidity, the individual associations were told that liquidity would be carried on their books at cost price until sold or until maturity. Any deviation from this promise would be very close to bad faith with the members of the savings and loan industry.

Any losses taken on the sale of these bonds would be wasting the money at a time when cash is so vitally necessary to the country and to the industry.

We should each make it or business to check on this situation and vigorously protest what appears to be a ridiculous and dangerous board decision. It would be very simple, I believe, for the Federal Home Loan Bank Board to provide any addition to liquidity to be in the form of short-term maturities, and in a few years the old bonds would have matured. Accordingly, the problem, if any, will have been solved without this terrific wasting of reserves and traumatic damage to the associations of the industry.

This resolution also provides, in conformity with Public Law 90-505, that liquidity be required also on the amount of short-term borrowings by the savings and loan industry, and "short-term borrowings" is defined as "notes due in 5 years or less."

Of course, we all have some responsibility for passing Public Law 90-505, yet, it would seem to me that we might have been a little hasty. Certainly there is no reason whatsoever for a 4- to 8-percent liquidity on borrowed money. If a person wishes to make collection on borrowed money, he does not want to collect 4 to 8 percent of this money; he wants to collect 100 percent to this money. Four to eight percent is not a "drop in the bucket" toward paying off borrowed money.

I am giving some thought to the possibility of our changing Public Law 90-505 and eliminating liquidity against borrowed money. Somehow, liquidity does not seem to be necessary. Resolution No.

23-377 is also being considered by the Federal Home Loan Bank Board, and this resolution, simply stated, would encourage the savings and loan industry, after it has "thrown this money down the sink," to carry this wasted and lost money as an asset on their statement for 10 years, charging off 10 percent every year. I do not believe that it is healthy for the industry to offer to the public a statement which comprises as assets moneys which have long since become substantial liabilities.

I have personally written to the Federal Home Loan Bank Board with reference to these matters, and upon receipt of their reply I will be in a better position to discuss it with each and every one of you. Meanwhile, I will deeply appreciate any attention and assistance you, my fellow Congressmen, can give to this most tragic situation.

MOUNT CARMEL, PA., AREA HIGH SCHOOL BAND

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. SCHNEEBELI. Mr. Speaker, during recent years a young but extremely talented group of musicians has been distinguishing itself as a high school band—namely, the Mount Carmel, Pa., Area High School Band, more popularly known as the "Mounties." Under the expert direction of Mr. Paul Semicek, the Mounties have performed around the United States and Canada, bringing fame and publicity to their home community. Recently they performed at half time at the NFL football game between the Atlanta Falcons and the Chicago Bears, and were lauded by CBS television sports for their performance, which brought the football fans to a standing ovation. On November 25, the proud and appreciative citizens of Mount Carmel honored the Mounties by celebrating Mounties Day. The following excerpt from the Shamokin News-Item of November 24, will point up the high esteem in which this outstanding high school band is held and the fine reputation they have earned. I should like to join in saluting all of the Mounties and their director, Mr. Semicek:

Congratulations are still being received by the Mounties on their excellent showing in Atlanta where they put on a half-time show at the NFL football game between the Atlanta Falcons and Chicago Bears.

Typical of the greetings was one received by Paul Semicek, high school band director, from Howard Reifsnnyder, producer of CBS television sports. The letter said:

"Dear Paul:

"Half time show featuring the Mounties of Mount Carmel Area High School for the Chicago vs. Atlanta telecast on November 16, 1969, was by far the best show I have seen this year and one of the best I have ever seen. The music was great as was the visual presentation.

"Thanks for all your cooperation and it was good seeing you again.

"Regards,

"Howard Reifsnnyder."

The Mounties received a standing ovation from the 53,000 fans in attendance at the game. It was the first time such an honor had ever been accorded to a visiting outfit in the Atlanta stadium.

Semicek noted that Robert Beierschmitt, leader of the Mounties, was shown on NFL television network program on Saturday and Sunday. Beierschmitt, one of the most colorful scholastic band leaders in the East, was caught in action as he led the Mounties in Atlanta.

An appreciative community is planning to make it a big day for the Mounties tomorrow.

A TRULY GREAT HUMANITARIAN CAMPAIGN: THE COMMITTEE TO HELP BIAFRAN CHILDREN

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. PATTEN. Mr. Speaker, the starvation of Biafran children is one of the most shocking and appalling tragedies in the modern history of mankind.

When an Associated Press story reported in late October 1969, that "over 300 Biafran children die every day of starvation." Jack Ellery, who does a popular morning show on radio station WCTC, of New Brunswick, N.J., decided to do something about it. He started a truly great humanitarian campaign.

Jack Ellery asked his radio listeners to write the words, "End the Starvation" on a post card and send it to WCTC. The response has been fantastic. With the help of Jack Sutton, a bank executive, and Peter Sears, of the Bound Brook Chronicle, Jack Ellery organized "The Committee To Help Biafran Children," Post Office Box FOOD, Somerset, N.J.

More than 400 letters a day are being received and the number is increasing every day.

Mr. Speaker, the Biafran war is now 30 months old and the human toll is unbelievable. Thousands of children have died from starvation and thousands more will die unless something is done to help them. Jack Ellery, a young man of deep compassion for people and great love for children, believes that if the post card campaign produces 1 million cards or letters and they are delivered to the U.S. Senate, the pressure of public opinion will become so great, that there is a good chance action will be taken to finally stop the starvation of children in Biafra.

This is not a campaign that is seeking money. Only post cards or letters are needed with the words "End the Starvation" and the sender's name and address included.

Mr. Speaker, when many of us think of childhood, we often think of Samuel Woodworth's poem:

How dear to this heart are the scenes of my childhood,  
When fond recollection recalls them to view.  
The orchard, the meadow, the deep-tangled  
wildwood,  
And every loved spot which my infancy  
knew.

There will be no "fond recollection" for the children of Biafra, because they

probably will not live long—unless enough people care about their terrible plight—starvation, despair, and almost inevitable death.

Yet, Mr. Speaker, I have faith in the natural goodness of the American people. I believe they will respond and help the children of Biafra. I hope that every person who reads the CONGRESSIONAL RECORD will send a post card or letter with the words "End the Starvation" to: Post Office Box FOOD, Somerset, N.J.

I also want to insert a story from New Brunswick, N.J., the Home News: "Simple Plea Snowballs To Aid Biafran Kids." It touches my heart and I hope it will touch the heart of every reader:

The article follows:

**SIMPLE PLEA SNOWBALLS TO AID BIAFRAN KIDS**

If the fact that one Biafran child dies every five minutes doesn't provoke some action from the nation's leaders, maybe a million imploring letters on the Senate floor will.

Jack Ellery, who does the morning show for WCTC radio station in New Brunswick, had that idea in mind last Thursday when he launched a write-in campaign that he hopes will snowball into a nationwide expression of sympathy and concern for the war-torn people of Biafra.

Ellery reacted to an Associated Press report last Thursday that claimed that "over 300 Biafran children die every day of starvation." On his show the following morning he asked his listeners to write the words "end the starvation" on a post card and send it in to WCTC.

"We got a fantastic response," Ellery said later.

Jack Sutton, a Franklin State Bank executive, and Pete Sears of the Bound Brook Chronicle volunteered to help form a committee with Ellery to organize the campaign.

The Biafran Children Committee has now established a post office box, dubbed "FOOD," in Franklin. Over 400 letters a day stream into the box, and the number increases daily, according to Ellery.

"Letters are starting to come in from New York and from Massachusetts, where we have our sister stations," Ellery added. "Our slogan is, 'Will you invest six cents of your money and five minutes of your time to save a life?'"

"We're not political, we take no sides," Ellery explained. "We have no money and we seek no money. Some of our secretaries at WCTC and some listeners have volunteered to handle and sort the mail."

Ellery said he thought of advertising to help publicize his campaign, but that it was impossible since "New York radio stations are asking \$180 per minute and the New York Times wants \$7,800 for a full page ad."

He has contacted a special representative from Biafra to the U.S., who labelled Americans as "apathetic to the most tragic situation since Nazi Germany."

According to Ellery, only the French Red Cross has been successful recently in sneaking food past Nigeria's Russian Migs, but that even the nightly haul of 180 tons of food falls short of requirements. "The minimum starvation rate in Biafra is 2,100 tons of food a night," Ellery said.

Ellery's volunteer staff sorts the mail geographically, and will eventually mail each letter to the proper senator.

"If I walk into the U.S. Senate with a million letters, someone's going to do something about it," Ellery promised.

**ENVIRONMENTAL POLLUTION**

**HON. ROBERT PRICE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. PRICE of Texas. Mr. Speaker, I wholeheartedly support the international biological program—IBP—and I am pleased that the Congress also express its support. I trust all Federal agencies and interested organizations will assist the IBP in its activities.

As a member of the House Science and Astronautics Committee, the committee which provided the primary legislative review of IBP, I am familiar with its organization, its operation, and its goals.

The international biological program is a worldwide effort by more than 50 nations to provide a truly international basis for managing the environment and preventing its further deterioration.

At present, U.S. involvement with IBP is limited. Through joining in certain of its activities, we are attempting to achieve a better understanding of the impact of: The population explosion, the effect of population increases on nature, and the effects that any changes in the balance of nature would have on mankind.

Mr. Speaker, while our present involvement with IBP is an important one, I believe we should expand it to include the entire spectrum of environmental control. Pollution is a lethal menace to all mankind, and its eradication can best be accomplished if the world works together. Pollution cannot be stopped on a nation-by-nation trial and error basis. The nations of the world must work together; the stakes are too high for any other approach.

The responsibility of the United States for environmental control is great. As a nation and as people, we have carelessly and thoughtlessly set in motion forces that threaten to ruin the air we breathe and the water we drink. In our Nation's cities, the menace is particularly deadly. In New York, for example, badly polluted air frequently causes 10 to 20 deaths a day. In Buffalo, the number of children hospitalized with asthma and skin inflammation increases significantly when the air is particularly dirty.

Environmental contamination is growing worse all the time. Our cities are becoming more smog-filled. Our streams are becoming more ridden with pollutants. Our air carries ever increasing amounts of chemical and industrial waste.

Unfortunately, as a people, we seem to have adopted a wait-and-see policy. However, I fail to see what we are waiting for. Are we waiting until the streets are littered with corpses before the general public is mobilized in defense of human health and survival? I certainly hope this is not the case.

Fortunately, certain Members of Congress, with the encouragement of inter-

ested private and public organizations have spoken out on the issue, and introduced various legislative proposals to combat environmental pollution. In my view, many of these proposals, although motivated by high purpose, have been hastily conceived and poorly drawn. As a result, the Congress stands in sore need of coherent thinking and careful guidance on this issue.

I have discussed my concern with President Nixon. He has advised me that he is preparing a comprehensive legislative program to combat pollution. In concept, his program will provide the operating continuity which many of the present attacks on pollution so clearly lack. In addition, it provides a funding mechanism which will enable our Nation to conduct a long-term fight against this lethal menace in a reasonable manner.

Mr. Speaker, I am looking forward to the President's environmental quality control program with great anticipation, and I know many of my colleagues share in my enthusiasm. While we are waiting for the President's program, I urge all my colleagues to lend their support to the IBP and to both public and private appropriate domestic efforts that have as their goal, the restoration of a quality environment for all mankind.

**THE STRATEGIC ARMS RACE**

**HON. WALTER FLOWERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. FLOWERS. Mr. Speaker, the total amount of all goods and services produced by the entire world in the year 1900 was less than military spending alone in the year 1968. Of the \$173.4 billion spent on the world's military in 1968, the United States accounted for \$79.6 billion and the Soviet Union \$39.8 billion, or a combined total of about 70 percent of it all. Mr. Speaker, I am informed further that the rate of such spending has been accelerating drastically in the last 3 years due to the increasing costs of sophisticated and highly technical modern equipment.

Therefore, Mr. Speaker, as the United States and the Soviet Union opened their arms control talks in Helsinki on November 17, there was understandably great hope on the part of people everywhere that real progress would be forthcoming. For the first time since the advent of the cold war and the arms race, there seems to be at least a near meeting of the minds of the great powers to cope finally with this challenging problem. Failing this, the specter of the strategic arms race could overshadow the national life of both nations for years to come. It is indeed encouraging that the first of these preliminary meetings has not set a stage for the usual gesturing and desk pounding by the Soviets. Each side has seemed genuinely eager to get down to the essen-

tials of the long bargaining bound to precede any arms agreement. Although more time will undoubtedly be spent by each side in testing the intentions of the other before thorough appraisals can be made, it is hoped that the substantive talks might begin in early 1970.

Mr. Speaker, there have already been over 3 years of preparation and mostly unnecessary delay in getting these talks started. Under the guise of displeasure over our Nation's policy in Vietnam, the Soviet Union first delayed its endorsement. After their approval was finally given and plans were in the works, then came the Soviet invasion of Czechoslovakia in August 1968, forcing cancellation by our Government. The new administration then delayed until June of this year while it reviewed U.S. policy and our bargaining position. And on October 25, the Soviet Union finally agreed to the present preliminary talks.

Early this year, the head of the U.S. Arms Control and Disarmament Agency, Mr. William C. Foster, said:

The technological stars and planets are now in favorable conjunction, so to speak—and they will not stay that way for long.

I think it can safely be said that the arsenals of the United States and the Soviet Union are in somewhat of a state of balance at this time, although in different areas one country or the other is dominant. This relative balance causes concern by those who feel that we should have a clear-cut arms superiority, but the present status may be the "favorable conjunction" that provides the conducive climate for arms talks.

Mr. Speaker, perhaps the most encouraging factor of the new found interest of the Soviet Union in looking for a solution or alternative to the arms race is the suggestion that the voice of the people of Russia is being heard over the hard line Communists. The situation, in my opinion, has gotten entirely too critical for either nation "to keep on keeping on" as we have been doing. I know that many citizens of the Fifth District of Alabama, that I have the privilege of representing, join in the hope and prayer that these preliminary talks will be the solid beginning of productive negotiations at an early date.

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REASONED WORDS OF GOOD  
COUNSEL

**HON. JAMES HARVEY**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. HARVEY. Mr. Speaker, at a time when this House is again considering vital legislation to proclaim its collective viewpoints as to the absolute need of unity in behalf and for our country in its involvement in South Vietnam, it is my privilege to bring to the attention of all Members an excellent speech delivered recently by our colleague, the Honorable F. BRADFORD MORSE, of Massachusetts.

My remarks are somewhat slanted inasmuch as I have long admired and re-

spected Congressman MORSE's good judgment and sound thinking. I think, when you read over and study his remarks made on November 13, 1969, at the Lowell Memorial Auditorium, Lowell, Mass., you will agree that he has masterfully clarified the hopes of all Americans—peace in Vietnam.

He has, I believe, narrowed and eliminated false differences among Americans as to our Nation's hopes and desires. We all seek peace; we all want peace. The difference now is by what means do we achieve that goal. Congressman MORSE's remarks follow:

REMARKS OF CONGRESSMAN F. BRADFORD MORSE,  
LOWELL MEMORIAL AUDITORIUM, NOVEMBER  
13, 1969

I come here tonight filled with respect—for you whose convictions about our involvement in Vietnam over the past several years have demonstrably hastened the pace toward peace—for others like those to whose memory this building is dedicated who died in battles not of their own choosing, for ideals which they may not fully have understood—who gave their lives for a cause to which all men of goodwill, of all times, have aspired.

And I bring a growing measure of respect for a country—our country—whose national processes have been capable of changing the direction of our involvement in a tragic and ill-advised war in but a few months—a country strong enough, confident enough, indeed good enough to insure that the voices of those who disagree with national policy may be raised and indeed may be heard.

I speak to you, not with any sense of chauvinism—for that concept had relevance only in an earlier, less complicated day.

I do not urge unity for its own sake, for that unity would deprive our nation of the vitality that has given it strength in other difficult moments.

I seek with you only rationality rather than irrationality; I plead only for thoughtfulness rather than passion; I search for reasoned counsel which will lead to peace, rather than exercises which may delay—even thwart—its achievement.

And I address my entreaty not only to those who are gathered tonight in this place and to the thousands of other like-minded Americans, with whom I have proudly identified, who have sought for years to explain the error of our involvement in the war and have sought to correct it, but also to those other highly motivated people in our land who have supported the national leadership throughout the days of escalation and support it now in these days of de-escalation.

I trust that my comments will not be construed as a defense of the present Administration, which has been organized by my party according to the slim mandate of the American people a year ago, nor as a condemnation of any previous Administration.

For the hour is too late for partisanship. The storm is too near the horizon for anything less than an objective assessment of where we are and where we are going.

The time is upon us when we must realize that the issue at stake is not Vietnam, but the United States. The time is approaching when the issue shall not be—in spite of anyone's rhetoric—the integrity of Vietnam, but rather, the integrity of America.

To deny that polarization has been taking place in our society would be to deny that today is Thursday, November 13, 1969.

To assign responsibility for that polarization in this heated moment would be an exercise in destructive futility. But to fail to recognize that that polarization can paralyze our society and have shattering effects on the hopes of people throughout the world who have found meaning in the basic values

shared by all Americans, young and old, black and white, rich and poor, would be irresponsible myopic.

The time is upon us when we must recognize and reject demagogic posturings—be they the postures of the left or the right, of the hawks or the doves.

The time has come when we must recognize that the differences among Americans about Vietnam are today more illusory than real, in large measure because of the efforts of devoted Americans like you.

You seek an end to the war—so does your government.

You seek a withdrawal of American combat troops from Vietnam—so does your government.

You seek an end to any American military presence in Vietnam—so does your government.

You seek no American bases in Vietnam—nor does your government seek any.

You want the people of South Vietnam to have the opportunity to choose their own leaders and to reject the leadership of the present regime if they so choose—so does your government.

You want the casualties to cease, be they American, North Vietnamese or South Vietnamese—so does your government.

You want our national attention and our national resources devoted, not to war, but to improving the quality of our own society—so does your government.

You seek peace—and so does your government.

So there is little division on goals; only the means to achieve those goals are the subject of debate.

Let us therefore recognize that upon which our people agree. Let us all contribute to the attainment of peace—not by angry name-calling, nor by simplistic sloganeering, not by efforts that may frustrate and weaken the only institutions through which peace can be achieved. Instead, let us apply intellect, creativity and practical idealism to find those steps by which the common objectives may be earliest achieved.

For free men to do otherwise would be a denial of their freedom—for compassionate human beings who cherish human life to do otherwise would be a denial of their compassion.

It is my privilege to represent the five hundred thousand people who reside in the Fifth Massachusetts District in the Congress of the United States. You are among them. I ask of you, and the other Americans who have given me this trust, for reasoned counsel and thoughtful advice. I pledge to all of you that your voices shall be heard and your voices shall be heeded.

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SCHOOL INTEGRATION HAS ITS  
LIMITS

**HON. EDWARD J. DERWINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. DERWINSKI. Mr. Speaker, one of the difficulties discussing an issue as emotional and complex as school integration is that the gap between theory and facts is rarely bridged by the proponents of artificial integration.

An editorial in the Monday, November 24, Chicago Tribune objectively states views which should be reviewed and properly calls attention to the inherent limitations of school integration.

The editorial follows:

**SCHOOL INTEGRATION HAS ITS LIMITS**

The futility of court decrees and administrative plans for racially balanced public schools in cities with large concentrations of Negroes has been demonstrated by experience. Accumulating evidence to this effect includes the board of education's 1969 racial headcount of students in the Chicago public schools.

Residential movements in Chicago, as shown by the 1969 and previous headcounts, tend to integrate all-white schools and then re-segregate them as all-black schools in a few years.

Chicago's public school enrollment of 580,292 is 53.9 per cent black, 41 per cent white, 4.3 per cent Puerto Rican, and 0.8 per cent others. In 1968, the black enrollment was 52.9 and the white was 42.2 per cent.

Theoretically, this racial division would permit city-wide integration according to the board's definition of an integrated school, one with between 10 and 90 per cent enrollment for each race. Actually, in spite of the board's integration efforts, only 10.3 per cent of the city's black elementary school pupils and 26.9 per cent of its black high school students are enrolled in schools defined as integrated. Thus Chicago's schools are more segregated than those of the south as a whole. The best available estimate is that throughout the south this year between 30 and 40 per cent of the Negro students attend formerly all-white schools.

In the south, of course, the schools were segregated by state laws, which the United States Supreme court declared unconstitutional in 1954, whereas Chicago's "de facto" segregation is the result of housing patterns. The federal government, however, has suits pending in half a dozen northern cities to end de facto segregation, and the government's position has been upheld by federal District Judge Julius J. Hoffman in an order for the integration of schools in district 151, comprising most of Phoenix and South Holland and part of Harvey.

Judge Hoffman held that segregation, regardless of its cause, has the effect of stigmatizing Negro pupils and retarding their education, a conclusion that is disputed by many competent authorities, including Negro educators. Hoffman ordered district 151 to restructure its grade organization and to bus about 55 per cent of its total enrollment to achieve racial balance.

District 151 has appealed from this decision to the 7th United States Circuit Court of Appeals, which ruled in a similar case involving the schools of Gary, Ind., in 1963, that nothing in the Supreme court's decisions or the Constitution itself requires racial mixing. The appellate court held that the Constitution "does not require integration, it merely forbids racial discrimination," and the Supreme court refused to review the case.

On Oct. 29, in a case involving 33 school districts in Mississippi, the Supreme court said "the obligation of every school district is to terminate the dual school systems at once and to operate now and hereafter only unitary schools." The court has not said, however, whether de facto segregation is a dual or a unitary system, or what if anything can be done about it.

In its 1954 decision, the Supreme Court held that segregation by law denies Negro children the "equal protection of the laws" in violation of the 14th amendment. But de facto segregation is a result of the facts of life, not of the laws. Racial discrimination is unconstitutional, under the Supreme court's ruling but it does not follow that racial integration is compulsory or even possible.

If children are assigned and transported involuntarily to schools far from their homes, solely on account of their race, black or white, they too are denied the equal protection of the laws. A Constitution that is color blind protects not only the right of blacks to move into a neighborhood but also the

right of whites to move out. Enrollment in the public schools of Washington, D.C., before the Supreme court's 1954 decision was only 40 per cent black; now it is 95 per cent. Drastic measures to integrate the schools of Chicago could produce the same results.

**WHO SHOULD PAY FOR CONSERVATION****HON. DURWARD G. HALL**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. HALL. Mr. Speaker, at various times during the past few years, I have presented to the House of Representatives Committee on Agriculture, a proposal designed to elevate the economy of this Nation's farmer, while at the same time, doing much toward giving him more freedom in running his own farm operation.

The proposal called, the cropland and water restoration bill, has as one of its key features the proper care and management of our precious topsoil.

A recent article, "Who Should Pay for Conservation?" which appeared in a magazine called *The Furrow*, details in a most interesting way, some of the problems caused by poor soil management.

The article follows:

**WHO SHOULD PAY FOR CONSERVATION?**

Soil erosion is bad for farmers, but with modern fertilizers it's not the horror it used to be. Rich, black dirt is still precious but no longer priceless on much of North America's deep-soil farmland. At the same time, from the standpoint of the population in general, soil erosion is becoming ever more serious and costly.

Sedimentation of rivers is a problem that will worsen even if levels of sediment don't increase. That's because of ever-greater and more-intense use of our available water. The cost of muddy water is already staggering. It includes direct cash outlays of \$250 million per year in the U.S. to dredge harbors, lakes, and rivers. Every year silt displaces about a million acre-feet of storage space in reservoirs—space that costs at least \$100 per acre-foot to build. Add to this the cost of removing silt from water for municipal and industrial use and you get an idea of the cash price everybody pays for dirty water. But there's more: many soils contain durable pesticides that cling to soil particles. As soil erodes these enter into streams, rivers, and lakes, polluting the waters. Perhaps the biggest cost of dirty water is the immeasurable loss of aesthetic value in terms of natural beauty, fish, fowl, and wildlife.

When soil erodes everybody loses, and when soil stays on the farm everybody gains. This is a key point because it appears that farmers are now expected to pay more than their share of the cost of preventing siltation of waters.

Under modern farming systems (which are necessary if we are to feed ourselves), some erosion is inevitable. This loss can be greatly reduced, however, through such practices as strip cropping, contour plowing, and maintaining year-round cover, along with use of grassed waterways, terraces, water channels, and check dams to store water. All these cost a farmer something in time, effort, convenience, and money, and they don't necessarily increase profit.

Government funds have long been used in a cost-sharing arrangement to stimulate soil conservation. For certain erosion-control practices in the "preferred" category, the

stated U.S. government share is 60 percent. But it never quite works out that way and farmers usually end up paying about half the cost. For some projects, farmers are quick to see the benefits to their business and glad to pay a 50-percent share. Other worthy projects go begging because farmers can scarcely be expected to spend hard-earned cash if the main beneficiaries are several hundred thousand guys downstream.

What's needed is a rebirth of the soil conservation fervor of 25 years ago, along with recognition of this new reality: farmers have relatively less to gain now, so they should bear a relatively smaller share of the cost of soil conservation. A cost-sharing formula that doesn't take this into account isn't likely to solve the problem of muddy waters in our rivers and streams.

**CITY OF SANTA FE SPRINGS—BEST SISTER CITY AWARD****HON. CHET HOLIFIELD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. HOLIFIELD. Mr. Speaker, it gives me great pleasure to call the attention of my colleagues to the splendid achievements of the officials and citizens of one of the cities in the 19th Congressional District of California, which I am proud to represent. I am speaking of the city of Santa Fe Springs which has won the Reader's Digest Foundation Award for the best single sister city project for a city under 25,000 population in the United States, 2 years in a row.

In 1968, as a result of the vigor and cooperation of its officials and citizens, Santa Fe Springs was awarded a prize for the donation of a badly needed fire truck and fire hose to its sister city, Navjoa, Sonora, Mexico.

In 1969, Santa Fe Springs was awarded the prize for the previous year's work in designing and building the international trophy winning float for the 1969 Pasadena Tournament of Roses parade. This float, requiring many long hours of planning and work, was in honor of the city of Santa Fe Springs' sister city, Mersin, Turkey. This float, based upon the theme, "Hands Across the Sea," viewed by millions of people on television, was an admirable action helping to cement the bonds of international friendship.

I would like to have the text of the Santa Fe Springs award submittal printed in the CONGRESSIONAL RECORD:

**1969 READER'S DIGEST AWARD SUBMITTAL**

As part of the Santa Fe Springs Sister City Committee objective of planning and conducting projects which will foster mutual understanding and goodwill not only between our citizens and those of our sister cities but between people of all the world, the Santa Fe Springs Sister City Committee undertook, in conjunction with the City of Mersin, Turkey, the Honorable Talat Kulay, Consul General of Turkey, and members of the community to plan and construct a float to be entered in the 1969 Pasadena Tournament of Roses Parade.

The parade, which is viewed by millions of people around the world, would be, we felt, an appropriate vehicle for expressing our regard not only for our Sister City of Mersin, but for the entire Sister City program. It was

our hope that this float would help us express to these millions of people the bonds of friendship which can be developed through a Sister City affiliation.

During 1968 many long nights were spent in conjunction with the Consul General of Turkey, the Santa Fe Springs Sister City Committee, and members of the community who compose the Santa Fe Springs Rose Float Association, in planning this award-winning entry. After overcoming many obstacles and pitfalls the committee was able to successfully, steadily, and rapidly progress in planning and designing the float.

Early in the planning stages the theme "Hands Across the Sea" was decided upon. From that point the float seemed to logically grow into an expressive form.

After many months of planning and hard work, the laborious efforts of the citizens of Santa Fe Springs and others, including the Consul General and the Turkish-American Club, which formed part of our liaison with Mersin, culminated on January 1, 1969, when our float was entered in the parade. Work progressed up until the very final moment prior to the starting of the parade due to the many delicate flowers utilized in the construction.

Our float won the coveted International Trophy at the Pasadena Tournament of Roses Association. This trophy has never before been won by a city of our size. Historically, it has gone to cities in the population category of Mexico City which has a population of 7 million.

I commend Mayor Betty Wilson and the officials and citizens of the All American City of Santa Fe Springs on their outstanding accomplishment.

#### VICE PRESIDENT'S COMMENTS ON THE NEWS MEDIA

### HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. BEALL of Maryland. Mr. Speaker, one of my constituents sent me the editorial, reprinted below, from the Central Maryland News of November 27, 1969. It comments on the two recent speeches made by the Vice President wherein he commented on the news media. I think it is certainly interesting that many members of the news media have looked closely at the Vice President's statements and find value in them. I recommend to my colleagues this perceptive commentary:

#### AGNEW HAS THE SAW . . .

The hysterical reactions of the press to Vice President Agnew's recent speeches dealing with unfair and one-sided news coverage is the clearest indication of the correctness of his charges.

There are literally millions of Americans who sit by in silence day after day watching the press conduct a national dialogue which is not only totally out of contact with their points of view, but which also bears little relation to the realities of the American social and political situation. At least for those millions there is now an articulate spokesman.

The national networks and many of the nation's largest news chains have not only rejected out of hand the Vice President's call for badly needed self-analysis, they have evidenced a form of paranoia and collective fear which itself indicates how unqualified they have become to carry out their self-appointed tasks. The dealers in criticism cannot stand to be criticized; the analyzers cannot tolerate analysis.

They have accused Mr. Agnew of everything from McCarthyism to Fascism. They have screamed about a coming age of censorship, when there is clearly no evidence of such a threat. And most inexplicably, they were taken totally by surprise by the Vice President's criticism of them. They cannot believe that anyone would have the nerve to strike back at them in their ivory towers.

But why should they be surprised? Their unbridled and irresponsible attacks on Mr. Agnew, laced with dripping innuendos and slurs against his personality, have been continuing daily since Mr. Agnew was first nominated for Vice President. If they thought he would take it all lying down, they knew even less about him than their comments have indicated.

The Vice President has nothing to lose. He knows the attacks of the liberal establishment could scarcely be any worse without becoming hysterical. What Agnew has done is to articulately undermine these attacks and identify them for what they are. Now when the commentators and columnists direct their all-knowing diatribes, from their Buddha-like seats on high, they run the risk of proving the truth of what their favorite whipping boy has said about them.

The press, in fact, is way out on a limb and Agnew has the saw. They have been so irresponsible that they can neither retreat or intensify, without danger. To be sure, they have regurgitated his comments and tried to use them against him, but it is he, not they, who has the public's ear.

In a Democratic society, an informed public is of the utmost importance. For several years the press has ignored its responsibility to that public, by indulging itself in a more and more irrelevant discussion of the national situation. Now there is a spokesman to point this out and the members of the national press who have so bitterly attacked him, having thrown their best blows, have only impotent defense against his counter punches. It's time the press paid its bill and took its medicine.

#### LAND REFORM IN SOUTH VIETNAM

### HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. HICKS. Mr. Speaker, the following is a report on South Vietnam written by Mr. Frank Herbert as a part of a series on the subject in the Seattle Post-Intelligencer.

#### VIETNAM—PULLOUT WILL HURT

(By Frank Herbert)

Despite the high probability that political pressures at home will force a heavy withdrawal of United States military from Vietnam over the next 18 months, there is virtually no planning to ease there the economic shock certain to follow such a move.

More than 500,000 South Vietnamese depend today on income from the U.S. international development mission (USAID), a fact admitted by top officials in Saigon.

These same officials, however, say they can see no serious economic or job displacement attending U.S. withdrawal.

We have shipped more than \$800 million a year in commodity imports to buoy the South Vietnamese economy. USAID spends some 300 times more for assistance programs in Vietnam than we spend for similar programs in all of Africa.

#### HALVED

Present estimates on withdrawal shock say these figures will be slashed more than half.

These are facts which frighten every Vietnamese official with whom I discussed them, yet U.S. counterparts meet all questions with bland non-answers.

"We have a total economic assistance program of \$476 million here this year."

How much of this is being used for postwar planning?

"We don't have the exact figures, but it's in the works."

(The South Vietnamese Labor Ministry says none of our economic assistance in going into postwar planning.)

Donald MacDonald, head of USAID in Saigon, finally tried to divert these questions by admitting, "We've made a bare beginning." He argued that I was trying to get "the complete script from a book with missing chapters."

He estimated a 15 percent annual turnover of South Vietnamese employed by the U.S., saying most of those who leave are going into private industry. He added:

"We're replacing third-country nationals with Vietnamese wherever possible."

How many people are involved in this decision?

"We don't have the exact figures, but it's in the works."

Is a job placement program being developed?

"That's being worked out with the Ministry of Labor."

#### STALLED

The Ministry of Labor says such a program has been discussed with U.S. experts, but it's stalled by lack of Vietnamese cadre.

MACDONALD: "You understand that the requirements for farm labor will absorb part of the unemployment."

What percentage of the unemployed will be moved onto the farms?

"We don't have the exact figures, but . . . etc."

What about plans for vocational training and retraining of workers made jobless by a U.S. withdrawal?

"We've helped build some damn fine schools in Vietnam."

Is there a specific job-retraining program sufficient to take care of massive unemployment?

"It's in the pipeline."

How many people could you accommodate?

"We don't have the . . . etc."

The truth is that our planning program to fill the vacuum sure to be created by U.S. withdrawal runs the full gamut from A to B. When USAID asked \$240 million from Congress to finance imports for this fiscal year, it did not assume withdrawal.

In the present mood of Congress, no more than \$180 million may be provided. Vietnamese officials say none of the funds thus generated are earmarked for planning to soften the effect of U.S. withdrawal.

The U.S. military is spending some \$30 billion a year in Vietnam.

Pressed about inconsistencies in his planning story, MacDonald finally brought up the Lillenthal report which he called "our major planning effort to insure there will be no economic shock."

This refers to the Joint Development Group, a planning team hired by the Saigon government to plot post-war development for South Vietnam. It was headed by David E. Lillenthal, former chief of the Tennessee Valley Authority.

#### LEVEES

The team came up with a plan whose chief aspect is a massive levee system for the Mekong Delta, a project taking ten years and costing \$2.5 billion.

One of the major arguments in the Lillenthal report is that South Vietnam needs extensive mechanization of its farm economy. To accommodate this, the report does not want fragmentation of farm lands which would be difficult to undo later.

In effect, this means the Lillenthal Report

is against land reform, a program which would parcel South Vietnam's rich farm lands into the hands of the tillers.

Despite the fact that land reform has proved to be a major political stabilizer wherever it has been applied, Lilenthal hews to his report's finding.

Let's take a good look at this report then through the eyes of senior US project engineers in South Vietnam, men who would have to carry it out.

Every one of these men with whom I discussed the report attacked it bitterly, calling it such things as "shoddy" and "ill conceived." Not even MacDonald would defend it when I started asking about specific applications to ease prospective economic shocks.

#### ATTACKS

The engineers, however, were not hesitant in their attacks. They made these points:

There were no basic engineering feasibility studies to implement the plan.

The report envisions a coordinated levee system for the entire Mekong Delta with levees of a specific type requiring several kinds of fill, including rock.

There were no studies on where this fill could be obtained or how it could be transported to the Delta sites.

No test bores were made to determine the nature of the land on which levees would be built.

Despite the fact that every village in the plan area is built on the bank of a canal or river, no factors were introduced on cost or means of relocating these villages.

This could be an extremely costly and time-consuming effect because it would encounter serious objections from a people always unwilling to leave the bones of their ancestors.

Even if the cemeteries associated with these villages were moved, such moves would involve complex religious preparations and much more upset than would similar moves in a Western society.

Finally, extensive mechanization of South Vietnam's rice farming would bring about a massive shift of population from the rural to the urban areas.

With the cities already overcrowded by people displaced by the war, with the apparent lack of planning for unemployment, this certainly would create a brand new stew for the communists to exploit.

#### CUSHION

You will recall, also, that MacDonald envisions farm employment as one of the cushions for postwar job displacement. How does this square with the massive unemployment which always accompanies agricultural mechanization?

It doesn't, of course.

MacDonald is being inconsistent. His aides farther down the bureaucratic ladder are more candid. They say:

"We have never sat back and examined the requirements for a postwar environment in South Vietnam."

What conclusions can we draw from this lack of planning?

One certainly is that U.S. officials do not believe we are going to undertake a large withdrawal of troops and supporting forces.

It is a fact that U.S. Ambassador Ellsworth Bunker and Gen. Creighton Abrams, our military commander in Vietnam, have advised the White House to play a waiting game. They argue that time is on the U.S. side.

There is physical evidence in Vietnam—stockpiling of arms, continued long-range commitment planning—indicating our officials there are digging in for a much longer war than the people in the U.S. expect.

Certainly, the communists are reacting as though they expect a much longer war, conserving their own forces, shifting to small-unit guerrilla actions, continued intransigence in Paris.

And here's a final fact for you to take home to bed with you tonight: Ambassador Sam-

uel Berger, our No. 2 man in the Saigon Embassy, has been at pains to tell many Vietnamese officials that President Nixon said he "hoped" to beat Clark Clifford's troop withdrawal rate (200,000 over the next 18 months), not that he would beat it.

#### PUBLIC PARKING FACILITIES

### HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. BIESTER. Mr. Speaker, following is an article from the October 21, 1969 issue of the Daily Intelligencer, Doylestown, Pa., which tells how the Doylestown merchants took the initiative in helping the local government provide much needed parking facilities. It is noteworthy in this time of increasing dependence on the government to see private citizens take the necessary action to solve a local problem.

I would like to compliment the merchants of Doylestown and bring this article to the attention of my colleagues:

TO ACQUIRE PARKING FACILITY—BOND  
BIDS RECEIVED

(By Judy McCann)

The Doylestown National Bank and Trust Company was the low bidder at 3.85 per cent interest for the \$250,000 bond issue for Doylestown borough to acquire additional parking facilities.

"Here again, a local institution has had enough faith in the borough to do this," said Borough Council President John F. Mason after the bids were opened at the meeting Monday night.

"The bank has saved the borough \$35,000," said Mason. He based his statement on the amount of the difference between the bid of Kidder, Peabody and Company and the Doylestown National Bank.

#### NEXT BIDDER

The Industrial Valley Bank was the second lowest bidder with 5.40 per cent or a net interest cost of \$72,500. The net interest of the Doylestown National Bank was listed as \$52,937.50.

The borough council was presented with a check for \$50,275 from the Doylestown Merchants Association, which has been pledged by the merchants and businessmen of downtown Doylestown to get the additional parking facilities underway a couple of months ago.

"You have made me the happiest man in Doylestown," Mason told Mrs. John Foster and Carter Gardy, members of the association who presented the check to Mason.

#### PEOPLE HELP

Mason told the 50 residents present, "I don't accept this on behalf of borough council, but on behalf of the taxpayers of Doylestown. The people have come to help the government.

"This is the second time this has happened in Doylestown. Maybe it's just a pebble in the ocean, but maybe the ripples will spread to other towns and cities throughout the country," said Mason.

Mason went on to say that the first time the people came to the aid of the borough government was for Operation '64 when Urban Renewal was turned down.

"They've done it again, and I hope that history has been made in local government," said Mason.

Councilman Walter G. Klumpp said that the parking committee has spent the past nine months working on additional parking

and part of the final stages of the plan was the presentation of the check from the Merchants Association.

There were no comments from the residents attending the meeting regarding the bond issue, but there was a round of applause after the presentation of the check.

The seven companies who submitted bids for the bonds were Girard Trust Company at 5.997 per cent; Yarnall, Biddle and Company, 6.179 per cent; Philadelphia National Bank, 6.117 per cent; and Cunningham and Schmertz 5.918 per cent.

The council adopted a resolution approving the statement of indebtedness and summary of the borrowing capacity of the borough; a resolution awarding the bonds; enacted an ordinance increasing the debt of the borough by \$250,000 for the bond issue and enacted an ordinance authorizing the sale of \$2,500 in \$100 denomination term bonds. The council also adopted a resolution accepting the bid for the printing of the bonds.

Negotiations are still under way for the purchase of parking lot sites. They are the Kolbe property on West State and Hamilton Streets, and the William F. Fretz and Son office and warehouse on Hamilton Street and West Oakland Avenue.

#### HIGHWAY TRAGEDIES

### HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. BRAY. Mr. Speaker, probably one of the most tragic and senseless and shocking domestic problems faced is that of highway fatalities. The following article from the National Road Traveler, printed in Cambridge City, Ind., for October 8, 1969, by Bob Gray, Sr., stresses the need for positive and immediate action:

#### ANOTHER SIDE OF THE NEWS

(By Bob Gray, Sr.)

Big black headlines—Twenty-nine Hoosiers die in traffic over a single week end. Six of them were young people from neighboring New Castle.

Everyday grieving families bury their traffic victim dead in our lonesome graveyards. Others huddle nervously in hospital lobbies as loved ones linger between life and death upstairs somewhere.

The dread specter of death, like the fourth seal horse described over in Revelation chapter six, roves our highways around the clock, finding many victims. Sometimes they are from our own Cambridge City community. The grim harvest is sorrow, widows, orphans and untold material damage.

All this is now so normal that most of us are only mildly shocked until tragedy strikes our family.

We are a nation on wheels—on the move—as no other nation in the world live and die in automobiles as we do. Going from here to there is our biggest business and we own 100 million cars.

Almost everybody has heard the frightening screech of tires and shattering glass as cars smash together. All too often a mangled body lies under a bloody blanket awaiting ambulance or police. Here in Indiana we are so expert in killing each other that the year's death total is already 1,200, with plenty of time to reach 1,600 or more with the more hazardous winter months of driving ahead of us.

Does all this madness symbolize the hysteria of our times? Is it because we are such a nervous people as typified by the tons of tranquilizers we swallow each year? Are we

so afraid of tomorrow that we must live so dangerously today? Are we a different person entirely when our foot is on the accelerator?

Any assumption that little or nothing can be done about such appalling death, injury, and heartache is wrong—dead wrong. Since human error is responsible for most accidents, we must continue to stress sane driving behavior, police patrons, warnings, slogans, etc. But the gruesome record shows that these are not enough.

More one way roads, maybe even different color pavement might help. Above all, engineers must design cars which by radar and Laser beam principles will repel each other before crash.

This column can fully share the grief of traffic victim families. Earlier this year our telephone rang sharply in the middle of the night to say that our 17-year-old Bob-Tom had been killed at a poorly marked intersection. To compound the tragedy the girl in the other car died too.

There are no words to express such despair or any remedy for such no-warning, heartache. Memories come back in long, floor walking nights when sleep won't come. If God sees a sparrow fall, why is He a million miles away hiding from us? Merciful time on way to eternity finally eases some pain, but the hurting never stops. One only learns to endure it.

To keep from falling apart, we adjust to existing reality and thank God for loaning us this fine boy to love for a little while. We solace ourselves that he compensated for the brevity of life by the zeal in which he lived it.

Multiplying this burden of sorrow by 1,200 Hoosiers should motivate everybody reading these lines to join a crusade against such senseless human slaughter.

Silent concern is not enough. Thousands of Hoosiers should write Governor Whitcomb urging that State Government, science, industry, labor and safety officials mobilize every resource to halt the awesome momentum.

Even our pre-schoolers have more to fear from traffic than from disease. One of every two Hoosiers alive today have already, or will be, involved in a crippling or fatal accident.

Serious enough for both thought and action? It surely is.

#### AGNEW MAKES A POINT

### HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. SCOTT. Mr. Speaker, there was an editorial November 20 in the Fairfax County Journal-Standard, a weekly newspaper serving my district, supporting Vice President AGNEW's recent address condemning the practice of "instant analysis" of major public issues by "a small band of TV network commentators and self-appointed analysts." This is a matter in which I believe my colleagues will be interested, and I insert it in the RECORD in full below:

#### AGNEW MAKES A POINT

Vice President Agnew has opened public discussion of a major issue that has been simmering a long time with his attack on "a small band of TV network commentators and self-appointed analysts."

For years, newsmen both inside and outside of broadcasting have expressed exactly the same concerns the Vice President has

brought forward. Now the issues are getting close attention at the grassroots level.

In his specific charges, Mr. Agnew is perfectly correct. President Nixon delivered a carefully prepared half hour speech, the product of many hours of work and the result of classified information available only to the President.

Fifteen seconds after he finished, TV network analysts, completely without access to the background information, began an off-the-cuff job of comment. From what we saw, they either damned him with faint praise or praised him with faint damns or just plain damned him. Nationwide, of course.

There are three things which need saying about this situation.

First, no newsmen is capable of really intelligent reaction in 15 seconds. There is no time for even the best commentator to collect his thoughts. This calls into serious question the validity of what the man says, the practice of "instant analysis" itself. If a man has time only to reveal his own prejudice, then why is he put in that position?

Second, the impact of truly national media needs a good deal of attention from the best minds that both government and communications can muster. America always has prided itself on the diversity of its viewpoints and the multiplicity of the voices which are free to speak to the issues. This diversity is a precious treasure, and it is slipping away.

Network television has produced a three-voice system. Too often, the three voices speak in the same vein. While the government forbids anyone to own and operate more than five VHF-TC stations, probably 80 per cent of the major stations devote their prime hours to these three network voices. Station owners have no opportunity to localize or edit or adjust the network news output to fit their own ideas or their own local needs. It comes through with the straight New York or Washington slant.

In pre-TV days, the great national and international news services, United Press and Associated Press, distributed news over vast areas and they still do, but each local newspaper or broadcasting station selected its own news, edited it, and even had the opportunity to ask questions about it. No such opportunity exists in the network TV system.

A few years ago, the major networks tried bringing in top local station news directors as executives in their network news operations, but the good boys from the hinterland were soon overpowered by the weight of the network operation and the "star system" of television news.

The third part of the problem needs all the devotion that dedicated newsmen can give it, and it is perhaps the most serious. It should be understood that individual TV stations are licensed by the Federal Communications Commission in the public "interest, convenience and necessity," but networks are not. There is no standard of performance they are required to meet, no sort of federal accountability.

Of course, no individual station could afford to produce a major entertainment series, or even a top-flight special. And it is here the networks perform highly useful functions for stations and for viewers. News often has been a losing proposition in the entertainment-oriented world of broadcasting, and news professionals have waged a long fight for air time, staff and facilities.

Too often, to the network brass, news is still "a show." What is sought is the best rating, not the best information or most responsible presentation. The late Edward R. Murrow infuriated his network bosses with his blunt assessments of broadcast news. Since his day, the situation is both better and worse. It is better because there are more good newsmen in television. It is worse because the damage a bad news job can do is greater.

Mr. Agnew has raised a point of major importance. And he framed it correctly when he said, "no nation depends more on the intelligent judgment of its citizens." The Vice-President is right.

#### THINGS ARE GETTING WORSE FOR SOVIET MAN-IN-THE-STREET

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. DERWINSKI. Mr. Speaker, it is not often that a practical report on a situation in the Soviet Union or any other part of the Soviet empire is effectively covered in the free world press due to the restrictions imposed by the Soviets.

An extremely astute commentary by the distinguished Dumitru Danielopol of the Copley News Service writing in the November 4 Aurora, Ill., Beacon-News provides us with a timely insight into the conditions facing the average Soviet citizen.

The commentary follows:

[From the Aurora (Ill.) Beacon-News, Nov. 4, 1969]

DUMITRU DANIELPOL COMMENTS: THINGS ARE GETTING WORSE FOR SOVIET MAN-IN-THE-STREET

WASHINGTON.—The woes of the Soviet man-in-the-street, the fellow at the bottom of the ladder are getting worse.

Not only doesn't he get what he wants when he wants it, but the consumer has to pay exorbitant prices for shoddy goods.

The queues before stores that are customary spectacles in all Communist cities are evidently beginning to bother the Kremlin "planners."

"The population wastes an enormous amount of time shopping—almost 30 billion hours a year," writes Ya Orlov, an expert on retail trading. "This is equivalent to the annual labor of 15 million workers."

With goods in short supply, pilfering, cheating and profiteering are widespread. Sales personnel have become expert at setting aside goods for themselves, their friends or influential customers. The ordinary man is short changed and cheated with merchandise falsely marked, watered down or thinned out.

Producers are systematically swindled by consumer cooperatives or distribution centers. They are paid for lower quality merchandise and often underweighed. The goods are subsequently sold at higher value leaving a "profit" in the books of the enterprise.

Inspections carried out by the Ministry of Agriculture have found that this type of swindling is widespread.

One example cited in the Kirov area involves 273 tons of potatoes that were paid for at the rate of "poor quality" and resold to the consumer as "standard quality."

The same applied to meat, leather products, wool, pelts, eggs etc.

By such manipulations, millions of rubles remain in the registers of consumer operatives, booked as "profit" and rewarded as "over-fulfillment of the plan."

Kremlin attempts to stamp out the practice have failed because of the solidarity among the personnel who benefit from the "profits" shown by the enterprise.

Of those brought before the courts, only a small percentage have been punished. The problem has grown to such proportions that even Moscow no longer tries to hide it.

"The study of consumer demand, the collection, transmission and processing of eco-

conomic information is only of a formal nature," complained Izvestia recently. "Up to now there is not a single scientifically based system for studying the interplay of economic forces or a method for determining the demand for goods . . .

"Consequently, unmarketable goods pile up at depots and warehouses, while on the other hand, some other extremely important product is in short supply, although everything necessary for its production is available in the country."

The culprit is of course central planning by a top-heavy bureaucracy, bogged down by red tape, which is incapable of change. Even the limited attempts of "liberalization"—the Lieberman system—adopted during the Khrushchev era—encountered stiff opposition and have finally fizzled.

Can the system be saved? Not as long as the bureaucrats stay in power, and they don't seem anxious to commit political suicide.

#### APPRAISAL OF THE COURTS FROM A JUROR'S VIEW

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. HOGAN. Mr. Speaker, the continuing debate over the cause of crime and its prevention also includes the question of our judicial system. I recently received a letter from a citizen, who served on jury duty.

From that vantage point, he offers a different view of our courts. These observations are worthy of note.

His letter is submitted for the RECORD and I call the attention of my colleagues to its contents. Here is the letter:

OCTOBER 15, 1969.

HON. LAWRENCE J. HOGAN,  
Congress of the United States,  
House of Representatives,  
Washington, D.C.

DEAR LARRY: I want to thank you very much for your thoughtfulness in sending me the Congressional Record of October 3, 1969, containing your timely and excellent statement before the House regarding the District of Columbia Courts. Recently I served a jury duty tour of one month in the Court of General Sessions which provided me with some insight on the operations of our courts.

While all the actions summarized in your statement of October third are applauded, the following suggestions are submitted as additional actions which could be taken to speed up the court calendars, to reduce the costs and to reduce the intolerable crime rate in the District of Columbia:

a. Establish a system which would insure efficient prosecution of the accused. Too often the jurors, after completing a case, would comment, "We had to render a not guilty verdict even though all of us felt the accused was guilty". This would be followed by the statement, "It's too bad the prosecuting attorneys don't seem to know enough about how to prosecute the case or they don't seem to care or maybe they don't have enough time to prepare the cases".

b. Reduce to a minimum the amount of wasted time. Too often, after all the endless and necessary evolutions have been completed to bring the accused before the bench, the case is endlessly delayed or rescheduled due to one reason or another. The defense attorneys too often gave the impression that their first encounter with the accused is when he is brought into court for his trial. Very frequently the judges, and this is no

criticism of the judges, had to take time, either openly or at the bench, to instruct or correct the attorneys as to how to handle their cases.

c. During the period of my serving on the jury, August 5–September 2, there were approximately 170 jurors. Each non-government juror received \$20.00 per day and most of his time was spent in the jurors lounge commenting that this was a bore and a waste of time and money. From my observations it would seem that a lot of people's time could be spared and considerable amount of taxpayers' money could be saved (and it shouldn't take a million dollar research contract) if a more efficient administration of the jury panel was introduced.

Personally, this was my first service as juror and, while it was a good experience, I shall go to all limits to avoid serving again under the same conditions.

With my best wishes,  
Sincerely,

R. A. KOTRLA.

#### WHAT LIFE HAS TAUGHT ME

### HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. TEAGUE of Texas. Mr. Speaker, while looking through a magazine section of one of our many papers in this country, I ran across an article entitled "What Life Has Taught Me" written by Dr. Werner Von Braun which I would like to share with the other Members of this body. I found it very interesting reading and I am sure that others will also:

[From Grit, Nov. 9, 1969]

WHAT LIFE HAS TAUGHT ME  
(By Dr. Werner Von Braun)

Discussions about religion and philosophy put me always a little ill at ease. I am trained to think as a scientist; I'm far more at home talking about rocket thrust than prayer. I wouldn't even say that I'd always had an interest in religion. The only thing I've always cared about is space exploration.

When I was growing up in Germany, it was the tradition of parents to give their children a rather splendid gift when they were confirmed. Every boy in town, it seemed, asked for a pair of long pants and a watch. Except me. The other boys went to church in long trousers, and every one of them needed to know what time it was every few steps. But I didn't care. I got my telescope.

I guess I have always daydreamed about space flight. When I was in my early teens, I used to slip off to an old First World War munitions dump and pick up odd parts to use in my homemade rockets. I'd try out the rockets in a field near our house.

I would kneel down at a safe distance and dream that I was sending another Braun Super Space Ship out to a far-away galaxy, and then I'd push the ignition button. Usually, the rockets wobbled a little way into the air and fell back again. They were really just a lot of smoke and noise. My dreams were not very practical.

I would always pray when I knelt down to push the ignition button. A kind of last-minute, hope-against-hope prayer. "Please let this one go," I'd say.

Shortly after I turned 18, I learned that an old hero of mine, a famous German scientist, had written a paper claiming that we could get to the moon with rockets. I couldn't wait to get that paper. But when it came, my heart sank. The paper had almost

no text to it. It was one long, complicated, mathematical equation.

The trouble was, I didn't like math. I'd failed the subject in school. But this was what it took to get a rocket into space—not romantic stories, not daydreams, but math. When I found that I'd have to learn math if I wanted to put a rocket into space, I learned math. And with it, I eventually got rockets that could probe space too. But first came months, years of hard, unromantic work.

I think prayer is often the hardest kind of work, if in work you include the ideas of discipline, regularity, effort, sacrifice.

I had been reared in Nazi Germany. There were many beautiful and old churches in Germany, of course, and a few of them remained strong even under the Nazis; but mostly they were empty shells.

Then I came to America. I was sent by the government to Fort Bliss, Tex., to carry on experiments with rockets.

One day a neighbor called and asked if I'd like to go to church with him. I accepted, because I was anxious to see if an American church was just a religious country club, as I'd been led to expect.

When we drove up, the small, white, frame building stood out in the hot Texas sun on a browned-grass lot. Outside, several little groups of people were waiting. Before long, I heard a screeching of brakes as up to this church drove an old, battered bus. The door opened, and perhaps 50 people climbed out until only the driver was left. Then he too climbed down, and my host walked up to him.

"Dr. Von Braun," he said, "I'd like you to meet our minister."

It was the minister who drove that bus. Each Sunday, this man drove for more than 40 miles picking up his parishioners who didn't have cars. Together these people made up a live, vibrant community. They worked together, prayed together, gave each other support. The congregation was trying to raise funds for a new Sunday school, and many of these people gave far more than their budgets should have allowed.

This was the first time I really understood that religion was not a cathedral inherited from the past, or a quick prayer at the last minute. To be effective, religion has to be backed up by discipline and effort.

Gradually, I came to feel that in order to be realistic, my prayers, too, needed to move into a new dimension. I began to pray daily, hourly, instead of, on occasion, "Pushing the button and hoping." I took long rides out into the desert where I could be alone at prayer. I prayed with my wife in the evening. As I tried to understand my problems, I tried to find God's will in acting on them.

In this age of space flight and nuclear fission, to use power wisely calls for a moral and ethical climate that—quite frankly—I do not think we now possess. We can achieve it only through many hours of the deep concentration we call prayer.

Are we willing to do this, I wonder? It will take effort. Prayer can be the hardest kind of work—but it is certainly the most important work we now can do.

#### CENSORSHIP OF THE BROADCAST MEDIA

### HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. HATHAWAY. Mr. Speaker, Commissioner Nicholas Johnson of the Federal Communications Commission has never been known as a spokesman for the

broadcasting industry. But I have always known him to be fair. So I was not surprised to find him as the FCC Commissioner recently expressing the most outspoken criticism to the possibility of Government censorship of the broadcast media. On November 17, in Iowa City, he said:

It is a part of my responsibility as an FCC Commissioner to work for a free and open television system that will operate in the public interest. In the past I have written of the dangers of censorship by the large corporations that own the nation's broadcast facilities. I believe my responsibility today requires a few words about government censorship.

Vice President Agnew's Des Moines speech has rocketed into public consciousness many questions about the significance of television in our society. Such dialogue and awareness could be quite healthy.

Unfortunately, he has also frightened network executives and newsmen in ways that may cause serious and permanent harm to independent journalism and free speech in America.

This was a most significant and timely statement, and was followed, on November 20, by a unanimous FCC ruling regarding the networks' commentary following President Nixon's November 3 speech. The FCC held:

The issue which was here involved—Vietnam—is one to which the networks have devoted, and continue to devote, substantial amounts of time for contrasting viewpoints. Indeed, that was the case as to the broadcast in question. The fairness doctrine requires no more.

One would expect the industry to appreciate Commissioner Johnson's leadership on this occasion.

I was quite surprised, therefore, to find that the industry has chosen this, of all times, to continue its assault on this fine, young public servant.

It has recently come to my attention that the "Television Information Office"—a network-funded, industry public relations effort affiliated with the National Association of Broadcasters—has recently circulated 35,000 copies of a blistering attack on Commissioner Johnson.

This attack is in the form of a reprint of an article by CBS news president, Richard S. Salant, entitled "He Has Exercised His Right—To Be Wrong," TV Guide, September 20, 1969, page 10.

Those receiving the reprint must be somewhat confused by its contents, because it is obviously a reply to an article they were not sent: Commissioner Johnson's article entitled, "The Silent Screen," TV Guide, July 5, 1969, page 6.

I believe it would be useful for the Members to know not only of the tactics of this industry attack upon Commissioner Johnson, but also of the merits of his observations about the industry's performance.

His thesis, in short, is that our country is endangered as much, or more, by what television fails to tell us as by the threat of its domination by Government censorship. During these days when the performance of the mass media is undergoing close scrutiny, I believe that he has raised concerns well worth wider distribution and discussion. Accordingly, I am inserting in the RECORD the full context of his debate with Mr. Salant.

First, Johnson, "The Silent Screen," TV Guide, July 5, 1969, page 6. Second, Salant, "He Has Exercised His Right—To Be Wrong," TV Guide, September 20, 1969, page 10. Third, Johnson, "Letter," TV Guide, September 27, 1969, page A-2. Fourth, and, finally, Commissioner Johnson's reply in the form of a speech to the international conference of the Radio-Television News Directors Association, September 26, 1969.

The materials follow:

[Reprinted from the July 5, 1969 issue of TV Guide magazine]

#### THE SILENT SCREEN

Julian Goodman, president of NBC, believes that television "is now under threat of restriction and control." Frank Stanton, president of CBS, says that "attempts are being made to block us." Elmer Lower, president of ABC News, thinks he may "face the prospect of some form of censorship."

I agree. Censorship is a serious problem in our country. My only dispute with these network officials involves just *who* is doing the censoring. They apparently believe it's the Government. I disagree.

NBC recently cut Robert Montgomery's statements off the air when, during the Johnny Carson show, he mentioned a CBS station being investigated by the Federal Communications Commission. Folk singer Joan Baez was silenced by CBS when she wished to express her views about the Selective Service System on the Smothers Brothers show. Now, of course, the entire show has been canceled—notwithstanding the high ratings and its writers' recent Emmy. Sure there's censorship. But let's not be fooled into mistaking its source.

For at the same time that network officials are keeping off your television screens anything they find inconsistent with their corporate profits or personal philosophies, the FCC has been repeatedly defending their First Amendment rights against Government censorship. Just recently, for example, the FCC ruled—over strong protests—that the networks' coverage of the Chicago Democratic convention was protected by the Constitution's "freedom of the press" clause. In other decisions, the Commission refused to penalize radio station WBAI in New York for broadcasting an allegedly anti-Semitic poem, or a CBS-owned station for televising a "pot party."

Many broadcasters are fighting, not for free speech, but for profitable speech. In the WBAI case, for example, one of the industry's leading spokesmen, Broadcasting magazine, actually urged that WBAI be punished by the FCC—and on the same editorial page professed outrage that stations might not have an unlimited right to broadcast profitable commercials for cigarettes which may result in illness or death.

This country is a great experiment. For close to 200 years we have been testing whether it is possible for an educated and informed people to govern themselves. All considered, the experiment has worked pretty well. We've had our frustrations and disappointments as a Nation, but no one has been able to come up with a better system, and most of the newer nations still look to us as a model.

Central to our system, however, is the concept of an educated and an informed people. As Thomas Jefferson said, "The way to prevent error is to give the people full information of their affairs." Our founding fathers were familiar with censorship by the King of England. They were going to replace a king with a representative Congress. But they were concerned lest any American institution become powerful enough to impede the flow of information to the people. So they provided in the First Amendment that "Congress shall make no law . . . abridging

the freedom of speech. . . ." Why "Congress"? I believe they assumed Congress would be the only body powerful enough to abridge free speech. They were wrong.

A lot has happened to the creation and control of information in this country since 1789. That was an age of town meetings and handbills. Today most information comes from the three broadcasting networks, ABC, CBS and NBC, and the two wire services, Associated Press and United Press International. As Professor John Kenneth Galbraith has reminded us in "The New Industrial State," 70 years ago the large corporation confined itself to mass production in heavy industry. "Now," he writes, "it also sells groceries, mills grain, publishes newspapers and provides public entertainment, all activities that were once the province of the individual proprietor or the insignificant firm."

It is easy for us to forget how large, profitable and politically powerful some corporations have become. In 1948 about half of all manufacturing assets in the United States were controlled by 200 corporations; today a mere 100 corporations hold that power. A single corporation such as American Telephone & Telegraph (one of the FCC's many regulated companies) controls the wages and working conditions of 870,000 employees, purchases each year some \$3.5 billion in goods and services, has assets of \$37 billion, and has annual gross revenues in excess of \$14 billion. This gross revenue is several times larger than the combined budgets of all the Federal regulatory commissions, the Federal court system, and the U.S. Congress; larger than the budget of each of the 50 states; a larger operation, indeed, than all but very few foreign governments.

I am not suggesting that large corporations are inherently evil. Not at all. They have created much of our wealth. I am merely urging that we be aware of the fact that large corporations have both the incentive and the power to control the information reaching the citizenry of our free society.

Sometimes corporate pressures to control what you see on television are just plain silly. For example, in his book "TV—The Big Picture," Stan Opatowsky reports that "Ford deleted a shot of the New York skyline because it showed the Chrysler building. . . . A breakfast-food sponsor deleted the line 'She eats too much' from a play because, as far as the breakfast-food company was concerned, nobody could ever eat too much." Often, however, corporate tampering with the product of honest and capable journalists and creative writers and performers can be quite serious. Sometimes there is a deliberate alteration of content; sometimes needed information is squeezed out by more profitable "entertainment" programming.

On Feb. 10, 1966, the Senate was conducting hearings on the Vietnam war. Fred Friendly, who was president of CBS News at the time, wanted you to be able to watch those hearings. His network management did not permit you to watch. If you were watching CBS that day you saw, instead of George Kennan's views opposing the Vietnam war, the fifth CBS rerun of I Love Lucy. Fred Friendly quit CBS because of this decision, and subsequently wrote "Due to Circumstances Beyond Our Control" to tell the story. He began his book with the quotation, "What the American people don't know can kill them." Indeed it can. In Vietnam, about 35,000 so far. We have been shown miles of film from Vietnam, it's true. But how much has television told you about the multibillion-dollar corporate profits from that war?

There are many other situations in which censorship exists side-by-side with large profits—and disease or death. The tobacco industry spends about \$250 million a year on radio and television commercials designed to associate cigarette smoking, especially by the young, with fishing, football, the fresh air of the great outdoors, sexual prowess, and all other desirable attributes of a fun-packed

adult world. In exchange for this investment, the industry sells on the order of \$9 billion worth of cigarettes a year. Would it really surprise you to learn that the broadcasting industry has been less than eager to tell you about the health hazards of cigarette smoking? It shouldn't. Just recently, for example, a United States congressman alleged that the president of the National Association of Broadcasters had suppressed from Congress and the American public revealing information about the "substantial appeal to youth" of radio and television cigarette commercials. The relation of this forgetfulness to profits is clear: cigarette advertising provides the largest single source of television's revenue, about 8 percent.

The FCC has ruled that broadcasters can't present one point of view on a controversial issue and censor all others just to serve their own beliefs and profits. The "Fairness Doctrine" requires that all viewpoints be presented. The FCC applied this doctrine to cigarette commercials. And what was the response of the broadcasting industry? It fought the decision with all the economic and political strength at its command. It has finally gone all the way to the Supreme Court to argue that a doctrine which limits its power to keep all information about the health hazards of cigarette smoking from the American people is a violation of broadcasters' First Amendment rights!

Or how about the 50,000 people who die each year on our highways? Their deaths are due to many causes, of course, including their own intoxication and carelessness. But how many television stations told you—either before or after Ralph Nader came along—that most auto-safety engineers agree virtually all those lives could be saved if our cars were designed properly? Nader, in "Unsafe at Any Speed," speculates about "the impact which the massive sums spent (\$361,006,000 in 1964 on auto advertising alone) have on the communication media's attention to vehicle safety design."

Television certainly didn't take the lead in telling us about unfit meat, fish and poultry. (Chet Huntley was found to have been editorializing against the Wholesome Meat Act at a time when he and his business partners were heavy investors in the cattle and meat business!) Bryce Rucker, in "The First Freedom," notes that:

"Networks generally have underplayed or ignored events and statements unfavorable to food processors and soap manufacturers. Recent examples are the short shrift given Senate subcommittee hearings on, and comments favorable to, the 1966 'truth in packaging' bill and the high cost of food processing. Could it be that such behavior reflects concern for the best interests of, say, the top-50 grocery-products advertisers, who spent \$1,314,893,000 in TV in 1965, 52.3 percent of TV's total advertising income?"

What could be more essential than information about potentially harmful food and drugs?

All Americans are concerned about "the crime problem." Have you ever stopped to wonder why the only crimes most of us hear about are, in the words of the Presidential Commission on Law and Enforcement and Administration of Justice, "the crimes that are the easiest for the poor and the disadvantaged to commit . . ."? What we haven't been told is that much of the crime in the United States is "white-collar" crime; that the rich steal as much or more than the poor. As the Crime Commission report defined it:

"The 'white-collar' criminal is the broker who distributes fraudulent securities, the builder who deliberately uses defective material, the corporation executive who conspires to fix prices, the legislator who peddles his influence and vote for private gain, or the banker who misappropriates funds . . ."

Did you ever find out from television, for example, that a single recent price-fixing case involved a "robbery" from the American

people of more money than was taken in all the country's robberies, burglaries and larcenies during the years of that criminal price fixing? The crime commission declared that "it is essential that the public becomes aware of the seriousness of business crime." Why is it the news media do not tell you about these threats to "law and order"?

One could go on and on. The inherent dangers in cyclamates (the artificial sweeteners in soft drinks) have been so widely discussed in Sweden that the government is considering prohibiting their use. The danger is scarcely known to the average American. Most of the Nation's 160,000 coal miners have "black lung" disease (the disintegration of the lung from coal dust) in one form or another. Mine operators may refuse to pay for fresh-air masks—or support workmen's compensation legislation. Some television stations in coal-mining areas have, until recently, refused to televise programs offered them by doctors about this serious health hazard. Reports differ, and no one knows for sure, but one current sampling showed that 20 percent of the color-TV sets studied were emitting excess X-ray radiation. Natural-gas pipelines are exploding as predicted. And did you know that the life expectancy of the average American adult male has been declining in recent years? The list goes on almost without end.

Note what each of these items has in common: (1) human death, disease, dismemberment or degradation, (2) great profit for manufacturers, advertisers and broadcasters, and (3) the deliberate withholding of needed information from the public.

Many pressures produce such censorship. Some are deliberate, some come about through default. But all have come, not from Government, but from private corporations with something to sell. Charles Tower, chairman of the National Association of Broadcasters Television Board, recently wrote a letter to The New York Times, criticizing its attack on CBS for "censoring" the social commentary on the Smothers Brothers show. He said:

"There is a world of difference between the deletion of program material by Government command and the deletion by a private party [such as a broadcaster]. . . . Deletion by Government command is censorship. . . . Deletion of material by private parties . . . is not censorship."

Another Times reader wrote in answer to Mr. Tower:

"Mr. Tower's distinction . . . is spurious. The essence of censorship is the suppression of a particular point of view . . . over the channels of the mass media, and the question of who does the censoring is one of form only. . . ."

He's right. The results are the same. You and I are equally kept in ignorance, ill-prepared to "prevent error," and to engage in the process of self-governing which Thomas Jefferson envisioned—regardless of who does the censoring.

A number of talented people within the broadcasting industry recognize its failings. One of the Nation's leading black announcers told me of his first job as a disc jockey. He was handed a stock of records, but forbidden to read any news over the air. Said his boss: "You're not going to educate the Negroes of this community at my expense." A high ABC network executive was recently quoted in the pages of TV GUIDE as saying, "There are many vital issues that we won't go near. We censor ourselves." Eric Sevareid has said of the pressures involved in putting together a network news show: "The ultimate sensation is that of being bitten to death by ducks." And the executive editor of the San Francisco Chronicle has warned: "The press is in danger. Not the exciting kind of Hollywood danger, but of dissolving into a gray mass of nonideas." For it is also a form of censorship to so completely clog the public's airwaves with tasteless gruel that there is no time left for quality entertainment and

social commentary, no time "to give the people full information of their affairs." Mason Williams, the multitalented one-time writer for the Smothers Brothers, has left television in disgust and written a poem about his experiences with "The Censor," who, he says in conclusion: Snips out, the rough talk, the unpopular opinion, or anything with teeth, and renders, a pattern of ideas, full of holes, a dolly, and for your mind.

Your mind. My mind. The mind of America.

The Rolling Stones said it long ago:

"When I'm drivin' in my car,  
When the man comes on the radio,  
He's tellin' me more and more  
About some useless information . . .  
Supposed to fire my imagination? . . .  
I can't get no satisfaction!"

Many Americans are trying to say something to each other. But the media haven't been listening. And you haven't been told. So some have turned to violence as a means of being heard. All you've been shown are the dramatic pictures; you know there's "something happening." But, like the Everyman of Bob Dylan's song, "You don't know what it is, do you, Mr. Jones?" The "Silent Screen" of television has left you in ignorance as to what it's all about.

The time may soon come when the media will have to listen. From many directions come suggestions for change. Law professor Jerome Barron says the courts should recognize a "public right of access to the mass media." Free speech in this age of television, he believes, requires that citizens with something to say be permitted to say it over radio and television. Suppose you approach a television station with a "commercial" you have prepared either supporting or protesting the President's conduct of the Vietnamese war. It may no longer be sufficient for the station to say to you, "Sorry, we don't like your views, so we won't broadcast your announcement"—as a San Francisco station did last year to those trying to express their point of view regarding a ballot proposition! As the U.S. Supreme Court said a few days ago in the Red Lion case, upholding the constitutionality of the FCC's Fairness Doctrine:

"There is no sanctuary in the First Amendment for unlimited private censorship operating in a medium not open to all. Freedom of the press from governmental interference under the First Amendment does not sanction repression of that freedom by private interests."

It is too early to know the full, ultimate impact of this decision.

In Holland, any group that can get 15,000 persons to support its list of proposed programs is awarded free time on the Dutch Television Network for a monthly program. There is even an organization for tiny and often eccentric splinter groups without 15,000 supporters. If a similar experiment were conducted in this country, groups interested in electronic music, drag racing, handicrafts, camping, as well as the League of Women Voters, the National Association for the Advancement of Colored People, local school boards, theater and drama associations, the Young Republicans (and, who knows, even the Smothers Brothers), could obtain television time to broadcast programs prepared under their supervision.

Or each network might devote a full one-third of its prime time (6 P.M. to 11 P.M.) programming to something other than entertainment or sports. It could be non-sponsored cultural, educational and public-affairs programming. If the networks were required to stagger such fare, then at any given time during the 6 P.M. to 11 P.M. period of greatest audiences the American viewer would have an alternative, a choice. There would still be at all times two networks with the commercial-laden, lowest-common-denominator mass entertainment of situation comedies,

Westerns, quiz shows and old movies. The third, however, would have something else.

It would be wholly inappropriate for me as an FCC Commissioner to insist that broadcasters present only the information, ideas and entertainment that I personally find compatible. The FCC does not have, and would not want, the responsibility for selecting your television programs. But it would be equally irresponsible for me to sit idly by and watch the corporate censors keep from your TV screen the full range of needs, tastes and interests of the American people.

The television-station owner, not the network, has ultimate responsibility for his programming. But somebody has to select his programs, you say, nobody's perfect. You're right. And all I'm urging is that, when in doubt, all of us—audience, networks and Government—ought to listen a little more carefully to the talented voices of those who are crying out to be heard. In short, I would far rather leave the heavy responsibility for the inventory in America's "marketplace of ideas" to talented and uncensored individuals—creative writers, performers and journalists from all sections of this great country—than to the committees of frightened financiers in New York City. Wouldn't you? I think so.

I am delighted the networks have raised the issue of censorship in America. I hope they will permit us to discuss it fully.

[From the TV Guide, Sept. 20, 1969]

HE HAS EXERCISED HIS RIGHT—TO BE WRONG  
(By Richard S. Salant)

Federal Communications Commissioner Nicholas Johnson's article in TV GUIDE ("The Silent Screen," July 5, 1969) is shocking, if true. It is just as shocking if it is not true. And as it relates to CBS News, it mostly certainly is not true.

Commissioner Johnson claims that, for economic reasons, broadcasters withhold information and suppress discussion of issues vital to Americans. Therefore, he concludes, broadcasters are hypocritically concerned about Government censorship, since the real evil is self-censorship arising out of broadcaster timidity and economic self-protection.

Much of Commissioner Johnson's article relates to broadcast journalism. To the extent that Commissioner Johnson deals with entertainment, I will leave to those responsible for that programming the task of examining Commissioner Johnson's accuracy, although the inaccuracy of his charges against television journalism raises serious questions about the rest of his charges.

But I can speak only in respect of broadcast journalism—and only for CBS News. And for CBS News, I state flatly that Commissioner Johnson is totally completely, 100 percent wrong—on all counts.

Let me start with the most general aspect of Commissioner Johnson's frightening world of fantasy.

In the 11 years I was a CBS corporate officer and in the six years, that I have been president of CBS News, to my knowledge there is no issue, no topic, no story which CBS News has ever been forbidden, or instructed directly or indirectly, to cover or not to cover, by corporate management. Corporate management at CBS has scrupulously observed that vital doctrine of separation of powers without which honest journalism cannot thrive—the separation between the corporation and an autonomous news organization.

Second, the separation between CBS News and the sales departments of the CBS radio and television networks and their advertisers has been complete. CBS News has no sales department. Its function is to choose the topics and stories and to prepare the broadcasts; the sales departments and the advertisers play no part in that process. No topic has ever been selected or omitted and no

treatment has ever been affected, by the imagined or expressed wishes of an advertiser. Long since, the policy has been established that CBS News makes the broadcasts, and the advertiser makes and sells his products, and never the twain shall meet.

Third, there has been no self-censorship: I—and, to the best of my knowledge, my associates at CBS News—have never avoided a topic or altered treatment to protect, or to avoid displeasing, corporate management or any advertiser. As I have stated, anybody in the organization who avoided a topic or distorted his normal judgments in the treatment of a topic in order to avoid offending the economic interests of any advertisers, or to please CBS management, would thereby betray his professional heritage and would disqualify himself from working with CBS News.

"HIS BATTING AVERAGE TURNS OUT TO BE .000"

So much for the general principles. As far as I have gone to this point, the issue between Commissioner Johnson and me is, to the outsider, bound to be inconclusive: it is his word against mine, and I would not blame any third party who knows neither of us for giving the nod to the Commissioner, since I have a personal stake in my own reputation and the reputation of my CBS News associates and he at least appears to be a responsible, neutral Government official with the public interest at heart. So let us turn to each of the specific charges of suppression and avoidance which Commissioner Johnson advances to prove his general thesis. Taking them one at a time, the record shows he is wrong all along the line. His batting average turns out to be .000. At most, he proves himself to be a pitcher with more speed than control, rather than a hitter.

ITEM. Commissioner Johnson writes that "We have been shown miles of film from Vietnam, it is true. But how much has television told you about the multibillion-dollar corporate profits from that war?"

Plenty. We have included in our broadcasts the stories of Vietnamese corruption, of the operations of American business firms in Vietnam, and of war contractor costs. Example: Congressman Pike's disclosure of the sale to the Defense Department of \$210 worth of generator knobs for \$33,000. Example: a two-part report in June 1969 on Pentagon waste and overruns.

ITEM. Commissioner Johnson, stating that cigarette advertising "provides the largest single source of television's revenue," asks, "Would it really surprise you to learn that the broadcasting industry has been less than eager to tell you about the health hazards of cigarette smoking?"

"LONG BEFORE THE SURGEON GENERAL"

Well, if it did surprise you, it would only be because you have not been watching CBS News. We have dealt continuously and in depth with the health hazards of cigarette smoking, long before the Surgeon General got around to his report and long before Commissioner Johnson publicly decided to become concerned about the problem. We started 14 years ago, in 1955, in a two-part *See It Now* report. We broadcast a *CBS Reports*: "The Teen-Age Smoker" in 1962 and a special on Jan. 11, 1964, "On Smoking and Health," the day the Surgeon General's report was issued. On April 15, 1964, we broadcast *CBS Reports*: "A Collision of Interests," a detailed review of the issues raised by cigarette smoking. In our national health tests broadcast early in 1966, we again dealt with the hazards of smoking. We did another special hour-long broadcast in the beginning of 1968, "National Smoking Test" (about which *Newsday's* television critic commented: "It took courage on CBS's part to show the way. Especially since, as the program mentioned, the cigarette manufacturers are TV's largest advertisers. Viewers are in the network's debt"). We came back to the subject in *The 21st Century* series, in a broadcast entitled

"The Wild Cell" (Feb. 2, 1969). We included stories in many of our other regularly scheduled broadcasts—for example, in *Calendar* on lung cancer and smoking in April 1962—and repeatedly we have covered in our regular news broadcasts all the developments—up to and including an interview on Thursday, July 3, with the current Surgeon General on cigarette advertising and the hazards of smoking. Since June 1963, our regularly scheduled news broadcasts have included 84 special film stories on cigarettes (including the showing of the American Cancer Society's antismoking film—in January 1967; and the attack by E. William Henry, then Chairman of the FCC, on television cigarette advertising—in March 1966).

ITEM. Commissioner Johnson refers to the "50,000 people who die each year on our highways" and then asks "... how many television stations told you—either before or after Ralph Nader came along—that most auto-safety engineers agree virtually all those lives could be saved if our cars were designed properly?"

I do not have a nose count of the number of stations. But, again, before the issue became very fashionable to discuss, CBS News did a one-hour preemptive, prime-time special May 13, 1966, "Crash Project—The Search for a Safer Car"—featuring Ralph Nader. If Commissioner Johnson's extremely selective perception has excluded that broadcast from his mind, I call to his attention this excerpt from a review in *Variety*, May 18, 1966:

"Of more significance, however, than the arguments pro and con on car design was CBS's lack of inhibition in confronting one of the giants of advertising and letting the chips fall where they may. Thus a direct comparison of two competitive makes was shown with a tester from Consumers Union detailing the faults in one car and extolling the virtues of another while identifying both by name. This is indeed strong stuff and certainly more than most of the newspapers of the country would do under similar circumstances."

And on auto safety, CBS News did not hit and run: we have gone back to the subject not only in our "National Drivers' Test" broadcasts but in 44 different reports in the *Morning News* and the *Evening News* since April 1965—dealing with the charges against the automobile industry and with the call-backs, including a demonstration of exactly what some of the defects leading to the call-backs were.

ITEM. Commissioner Johnson quotes Bryce Rucker as stating that "Networks generally have underplayed or ignored events and statements unfavorable to food processors and soap manufacturers. Recent examples are the short shift given Senate subcommittee hearings on, and comments favorable to, the 1966 'truth in packaging' bill and the high cost of food processing."

Wrong again—in our news broadcasts, we covered those hearings and included statements of consumer representatives and witnesses in support of the bill. We have reported stories relating to alleged abuses in food processing. Just a few examples: On March 24, 1969, in the *Evening News with Walter Cronkite*, we reported the FTC allegation that the Campbell Soup Company had been putting clear glass marbles in bowls to make its soup look thicker in television commercials. And we reported the story of the dangers involved in pesticides contaminating cranberry sauce; the story about the dangers of botulism in canned tuna fish and the mass recall of canned tuna; the unfit meat story as it developed; Ralph Nader's testimony attacking the standards of intrastate meat packers; and the Government action against the Colgate-Palmolive sandpaper commercial.

ITEM. Commissioner Johnson asks, "What could be more essential than information about potentially harmful . . . drugs?"

He just asks, he doesn't say that we didn't cover it. He was lucky because if he had said it, he would have been wrong. Time and time again, we have reported such stories as the thalidomide story, the FTC allegations relating to aspirin and Bufferin, the Government action against drug price fixing, the hearings on the excessive cost of drugs, including Italian cut-rating and American profiteering in Latin America, the charges relating to dangerous side effects of the birth-control pill, the FTC action against Geritol and Tums—both heavy advertisers with CBS. On July 9, 1969 (after Commissioner Johnson's article), we reported briefly on the recent reports of the National Academy of Sciences on the ineffectiveness of drugs and pharmaceuticals; we dealt with the subject in more detail two days later, on July 11.

ITEM. Commissioner Johnson states that television fails to report on corporate crimes, and he makes specific reference, although not by name, to an important case of price fixing.

If I can guess what price-fixing case Commissioner Johnson is talking about, we most certainly reported it.

ITEM. Commissioner Johnson writes about "the inherent dangers in cyclamates (the artificial sweeteners in soft drinks)" and implies that television's failure to cover that story results in the danger being "scarcely known to the average American."

Wrong again. On the *Morning News* of April 11, 1969, we did a piece, running 7½ minutes, concerning cyclamates, and we also reported the story in the *Evening News*.

#### "WE DID NOT IGNORE THE STORY"

ITEM. Commissioner Johnson seems to say (sometimes his pen is quicker than the eye) that we ignored the "black lung" disease story—the dangers to miners' lungs resulting from coal dust. The pattern is familiar: he is wrong; we did not ignore the story. We covered it in reporting the hearings in Washington and in West Virginia on the issue, and in a special broadcast on Feb. 11, 1969, entitled "Danger! Mines."

ITEM. Commissioner Johnson refers to the fact that "one current sampling showed that 20 percent of the color-TV sets studied were emitting excess X-ray radiation." Again, he doesn't say so, but the implication is that we didn't cover it.

Wrong again: we did—as long ago as August 1967, when we reported that the Surgeon General called for action on such radiation.

ITEM. Commissioner Johnson states broadly that we avoid stories of "human death, disease, dismemberment or degradation."

Let him drop into my office some time and see the viewers' mail that comes across my desk complaining that that is all we ever talk about, and criticizing us bitterly for not emphasizing more good news. Was Commissioner Johnson otherwise occupied during our almost nightly Vietnam coverage, or when we broadcast such documentaries as "Harvest of Shame," "The Silent Spring of Rachel Carson," "The Tenement," "Christmas in El Barrio," "The Poisoned Air," "Men in Cages," "Hunger in America"? And our continuing series on one street in a Washington, D.C. ghetto, Columbia Road, on the *CBS Morning News*?

#### "HE IS WRONG ON EVERY ONE OF HIS SPECIFICS"

Commissioner Johnson finds it easy to make out a case by simply ignoring what we have done. His implication is that, in deference to advertisers, we stay away from any news unfavorable to consumer products. As we have just seen, he is wrong on every one of his specifics; we have covered each of the cases he mentions. And we have done other consumer stories as well which involved industry and network advertisers: for example, the housewives' boycott of supermarkets, protesting high prices; the gas-

station game-and-prize practices; the dangers of flammable toys and clothing; toy guns and other warlike toys; the trading-stamp story; lumber-industry activities in the forests; the dangers of pesticides, automobile-insurance practices involving racial discrimination and arbitrary cancellation of policies; retail-credit abuses; automobile-warranty abuses; the dangers of cholesterol as a cause of heart and other diseases, caused by meat fats, butter fat, margarine and other shortenings and vegetable spreads.

And, of course, implicit in Commissioner Johnson's thesis is the charge that about the last thing we would ever do is report stories unfavorable to CBS or CBS News itself. But again, the facts are to the contrary: for example, we have reported the charges against television for its alleged violence and effect on juvenile delinquency. We reported the charges that CBS "staged" a pot party. We reported former Secretary of Agriculture Freeman's attack on the accuracy of the CBS News documentary "Hunger in America." And as to Commissioner Johnson's favorite subject, the Smothers Brothers, it was CBS News which, last fall, even before the storm broke, did a segment of 60 Minutes with the Smothers Brothers expressing their viewpoints about their role in television and their relationship to CBS; and it was CBS News which, on the day after their contract was canceled, included the only network interview with Tommy Smothers reacting to the CBS action.

As Commissioner Johnson says in his article, "One could go on and on." And the facts—about which one could go on and on—destroy the fantasy about which he goes on and on.

Others—perhaps more scholarly and careful than Commissioner Johnson—have examined the question of television news' integrity and independence, and have come to quite different conclusions. Thus, Herbert J. Gans, a sociologist who is making a long-range study of the mass media, stated (*New Yorker*, Aug. 3, 1968, page 55):

"Despite the old stereotype that media employees report the news as their owners and advertisers see fit, this is not true of national television and magazines, however true it may be of the local press. People who work in the media I have studied so far are surprisingly free from outside interference on the part of nonprofessionals and business executives, and can decide on their own what to cover and how to cover it."

It may well be that the Commissioner is too busy attending to his official duties, and making speeches, and writing articles, to permit him to know what really goes over the air. But Commissioner Johnson shows signs of not only that he has no time to look, but he also has no time or inclination to read. For one of his lowest and—most mistaken blows—comes in his invocation of Eric Sevareid as a witness to support his thesis. In a paragraph explicitly devoted to management and advertising interference and pressures, Commissioner Johnson states that Eric Sevareid "has said of the pressures involved in putting together a network news show: 'The ultimate sensation is that of being bitten to death by ducks.'"

Never underestimate the carelessness or the disingenuity of Commissioner Johnson. Eric Sevareid indeed said exactly that several years ago. But Commissioner Johnson could have seen from the Sevareid statement itself, or from checking with Eric directly, that Eric (see his letter to TV GUIDE, July 19) simply was not talking about management or advertising interference or pressures. Eric was talking about what plagues us all in television journalism and for which not even Commissioner Johnson can supply a solution: the cumbersome apparatus of television journalism, with all its cameras and lights and technicians and layers of personnel

which are inherent in the complex nature of our method of transmission. Eric was contrasting this with the simplicity of a reporter or a writer for print who can sit in a corner by himself, type out his story and send it in. All Commissioner Johnson had to do was to read Eric's statement.

#### "THE ULTIMATE ISSUES—ARE IMPORTANT INDEED"

The ultimate issues which Commissioner Johnson raises are important indeed. They involve the independence and integrity of broadcast journalism, free of management interference and advertising pressures—and free too from Government dictation or coercive suggestion. I happen to think that Commissioner Johnson has some esoteric and erroneous notions about the First Amendment. (Incidentally, the credit he bestows upon himself and his associates as the champions of the First Amendment in the Commission's handling of the complaints concerning our political-convention coverage is not quite justified. The Commission's actions in that case were rather less noble and rather less sensitive to the First Amendment than its belated words. After all, the Commission transmitted every complaint that it received and required us to address ourselves to them—including hundreds that, only months later, it announced were not within its permissible authority.)

I also happen to think that the spirit, if not the letter, of the First Amendment would, at the very least, compel a man in his position—a Government agent who, through his licensing power, has the power of life and death over broadcasters—to be exceedingly careful and accurate when he undertakes public statements about what broadcast news does and does not do and what it ought and ought not do.

But, as I have stated elsewhere, the First Amendment includes the right to be wrong. Commissioner Johnson has certainly exercised that right.

[From the TV Guide, Sept. 27, 1969]

#### COMMISSIONER JOHNSON REPLIES

Let anyone who has watched prime time network television decide for himself. As Mr. Salant ["He Has Exercised His Right—To Be Wrong," Sept. 20] knows little of it is "news." As for TV news, it's not that it's done nothing; it's just too little too late. Walter Cronkite says, "We have barely dipped our toe into investigative reporting." Ed Murrow said, "(Corporate management) makes the final and crucial decisions having to do with news and public affairs." Many former TV newsmen agree. [See, e.g., book by Salant's predecessor in office: Fred Friendly, "Due to Circumstances Beyond Our Control."] Let's hope for equivalent candor from a future, non-corporate Dick Salant.

NICHOLAS JOHNSON,  
Federal Communications Commissioner.

#### IS THERE A SALANT IN TV NEWS?

(By Nicholas Johnson)

I would like to address you as my friends—in this part of the business at least.

The fact is, I've tried to be helpful to television in every way I can. Tommy Smothers came to Washington and wanted to talk to some public officials and I agreed to see him. By the time he got back to Hollywood, the "Smothers Brothers Comedy Hour" had been cancelled. Dick Cavett asked me to come on his show, and I did, and now it's been cancelled. Then George Herman asked me to come on "Face the Nation," and after I did that the Louisiana Association of Broadcasters asked for equal time and five other state associations asked President Nixon to impeach me. So with such a demonstrated record as an adviser and performer in this business some are beginning to question my qualifications as a critic as well.

A few people think I've been critical of CBS news, but I haven't. If you look very carefully, I never said that they have a "salant" to their news. Their TV Guide articles maybe, but not their news.

Actually I thought it was kind of amusing that Big Television decided to send the president of CBS News to answer my article in TV Guide. Johnson, "The Silent Screen," TV Guide, July 5, 1969, p. 6; Salant, "He Has Exercised His Right—To Be Wrong," TV Guide, September 20, 1969, p. 10; Johnson, "Letter to the Editor," TV Guide, September 27, 1969, p. A-2. I've always thought that the news department is to television what the Senate Chaplain is to the Congress. And having CBS News recite from its newscasts as an answer to my charge that Big Television hasn't been doing its job seemed to me rather like sending out the Senate Chaplain to read from his opening prayers in answer to a charge that the Congress hasn't been providing adequate moral leadership.

I said that I consider myself a friend of broadcast journalism. I would like to read to you from a statement that I made to the Violence Commission in December, 1968—because it wasn't very widely covered in Broadcasting Magazine and you may very well not have heard about it. This was long before Dick Salant and I started slinging articles at each other and shortly after the Chicago Democratic Convention.

"News and public affairs is, by common agreement, American television's finest contribution. The men who run it are generally professional, able, honorable and hard-working. To the extent the American people know what is going on in the world, much of the credit must go to the networks' news teams. It's a tough and often thankless job. Eric Severid has said of trying to do network news that the ultimate sensation is that of being eaten to death by ducks. These men have fought a good many battles for all of us with network management, advertisers, government officials, and news sources generally. We are thankful. And by and large I think we ought to stay out of their business—with the exception, perhaps, of providing them protection from physical assault. I would not for a moment suggest that either your Commission, or mine, ought to be providing standards for what is reported as 'news.'"

I stand behind that today. Let me just say that 90 percent of what I am complaining about is that television is *not* news—at least it's not when people watch, which is between 7:30 and 11:00 p.m., prime time. That's the problem. That's the censorship. And that's most of what I'm talking about. The rest of this is really shop talk about the problems in news, and the interference from management that there has been. Remember that the principal thing I'm talking about is that there is virtually nothing on in the evening that gives people the kind of information they need to understand what's going on in their world and in their lives.

Having put forth 90 percent of my case, let's spend the rest of the time in shop talk about electronic journalism.

There are many difficulties that you confront in trying to do your jobs, but one of the things I have been writing about is editorial and censorship control by management. This takes a variety of forms. The most important is the curtailment of the time that you're permitted to have. You simply cannot discuss major issues adequately in terms of minute-and-a-half clips on the evening news. And the question is: How much time are you getting for documentaries during the evening? How much time are you given to really probe the issues? Do you have enough men to really do the kind of job you'd like to do? And how much interference is there in the reporter's product on the part of editors who may be thousands of miles away with no first-hand knowledge of the story?

My thesis is a very modest and simple one. Management has the power. If it wishes to exercise it, to abuse the use of this medium by serving its own economic interests and the economic interests of its friends; it has the incentive to want to do this; and it has on occasion, done it.

Because there has been some disagreement about this seemingly obvious proposition, however, it seemed to me worthwhile to lay my cards on the table once again on this occasion.

Let me first say a word about sources. I didn't come into the FCC knowing anything about this business. I was the first to acknowledge that. What I know about abuses in the news business I know because you have told me, usually in confidence, sometimes in letters, more often in conversation. Some who have left the business have written books which I have read and quoted. There are some Congressional and FCC hearings and decisions. What other sources *could* I have than the people within the industry? So I'm not telling you what I think. To emphasize that point I am going to do quite a bit of quoting.

Let's start off with some general observations about the importance of what you do, because I have a commitment to the role of journalism in a free society. I have great confidence in the people of this country to govern themselves—once they are educated and informed. And I have seen the power that you have to inform the people.

One instance of this power that occurs to me just now is the black lung problem. If you go into the coal mines and breathe coal dust every day your lungs disintegrate, and you're not capable of doing much work by the time you reach your middle years. Coal miners, by and large, didn't know what was the matter with them, and they weren't getting any workman's compensation benefits. Programs had been offered to television stations in coal mining districts about black lung which they refused to show. One station did show one. It was cut off the cable television system carrying that station while the program was being shown. I commented on these omissions during my testimony before the Violence Commission. For whatever reason within a month or two thereafter, there was some coverage of the black lung problem on network television and local television. About two weeks after that coverage some 30,000 coal miners came out of the ground and organized, for about the first time in their lives, because the Union had not been doing an enthusiastic job as it might have in representing their interests in this regard. About a month after that the West Virginia Legislature passed one of the first workmen's compensation benefit programs for miners who suffer from this disease. One of the networks bragged a little bit publicly—and rightfully so, I think—about its impact upon this piece of legislation. The point is, that's the power you have. I've seen policies in Washington change overnight because of a 90-second item on the evening news. You can take pride in what happens after you put such items on the air. But then you must also assume responsibility for what *fails* to happen when you omit such coverage for months or years.

Here's Lippmann writing in 1922: "It is because they [a self-governing people] are compelled to act without a reliable picture of the world, that governments, schools . . . and churches make such small headway against the more obvious failings of democracy, against violent prejudice, apathy, preference for the curious trivial as against the dull important, and the hunger for sideshows and three-legged calves. This is the primary defect of popular government, a defect inherent in its tradition, and all of its other defects can, I believe, be traced to this one."

This is Edward R. Murrow in his speech to you in 1958: "We are currently wealthy, fat, comfortable and complacent. We have

currently a built-in allergy to unpleasant or disturbing information. Our mass media reflects this. But unless we get up off our fat surpluses and recognize that television in the main is being used to distract, delude, amuse and insulate us, then television and those who finance it, those who look at it and those who work at it, may see a totally different picture too late."

This is Jim Kunen in *The Strawberry Statement*: "I am of the opinion that the United States is involved in a controversial war in southeast Asia and that the country has other problems, too. I think people ought to at least think about these things. But I have noticed that the radio medium is a tremendous airy goofball, which anesthetizes everyone who listens. I'm curious about the motivation of people whose 50,000 watt pump pours such crap into the already polluted air." That's what one of the spokesmen for today's young people is saying about the industry. What's the answer? What is the motivation?

Let's look for the answer in this story told me by one of the leading black disc jockeys in this country. In one of his early jobs, going into a black-oriented station, the manager handed him the top 40 records and said, "Here, boy spin these." And he said, "Well, I'd like to put out a little news on the hour if you don't mind." And the manager turned around and said: "You're not gonna educate the nigras of this community at my expense." Maybe that's still management's motivation in some instances. I would never say it was in all. But the point is that the effect is precisely the same as if it were.

Edward R. Murrow thought the American people were capable of taking a great deal more than television provided them. I think so too. There are now some seven million young Americans in colleges and universities, nearly as many as all of the people in this country with college degrees. There are ten to twenty million Americans taking adult education courses. The federal government's own program has increased tenfold over the past five years. Book sales have doubled in the last ten years, to \$2.5 billion last year, equivalent to the revenue of the very profitable television industry.

I have received hundreds of letters in the last few years, commenting about television. This is a handwritten letter from a lady in Kentucky: "I guess I'm what the TV companies might call the 'average housewife.' I'm not an intellectual, I'm not rich, I have children. I do my own washing and cooking. I suppose they feel that the kind of rubbish which is put out over the air is satisfying. It's repugnant for the most part."

Here is a letter from a couple out in California: "My husband and I . . . keep . . . hoping that programming will become more meaningful and worthwhile. We are not political activists, fanatics, crusaders, or even avid letter writers. We are just responsible Americans trying to live a meaningful life and do our best to raise the next generation to do the same. We realize the potential of the airways to bring us important information about our country's political, social, and international status, and also to bring our children learning opportunities, but are woe-folly disappointed with the efforts being made in these directions." And that's a theme that runs through thousands of letters that I have in my office.

Now we've been told recently that management has never involved itself in matters of news and public affairs. Let's see what some of you have had to say about this: Again Edward R. Murrow: "The top management of the networks, with a few notable exceptions, has been trained in advertising, research, sales or show business. But by the nature of the corporate structure they also make the final and crucial decisions having to do with news and public affairs. Frequently they have neither the time nor competence to do this." I don't know, but that's

what Ed Murrow said. Howard K. Smith: "[I]f as many people listen to me on ABC as used to edit my copy on CBS, we'll have a large audience to build on." H. V. Kaltenborn: "Each time I criticized a Federal Judge . . . a labor leader (who supervised the company's labor contracts), or a Washington official (whose influence counted in the issue of a broadcasting license), one of the vice-presidents became frightened and protested."

Here's the Crosley case involving WLW Newsman Norman Corwin who was fired ultimately over this instance. This is an internal management memorandum to him: "No reference to strikes is to be made on any news bulletin broadcast over our stations." A couple of days later another one: "Our news broadcasts . . . will not include mention of any strikes. This also includes student strikes and school walkouts." He raised the question of whether this wasn't going to look a little funny to the people who read the newspapers, knew what was happening, and knew that radio wasn't mentioning it. They informed him at that point they could do without his services, although they had expressed great pleasure with him prior to that.

Or, how about the Richards case in Los Angeles? The fellow who owned KMPC there, WJR in Detroit, and WGAR in Cleveland set out on an abortive effort to elect General Douglas MacArthur as President. He fired Cleve Roberts, his news director, because he referred to the age of the General, which the owner felt might detract from his political appeal. The FCC was besieged thereafter with a package of affidavits from numerous radio newsmen about Richard's instructions to slant, to distort, and to falsify the news. At this time Chet Huntley was heading the newsmen's organization out on the West Coast.

We learned quite a lesson from the ABC-ITT hearing about the attitude of large corporate management toward the integrity of the news. One of the questions in that hearing was: Would ITT ever try to interfere with ABC's news judgment? ITT professed great purity in this regard. And yet, while a hearing was being conducted on this issue, the Wall Street Journal broke the story of the pressure that ITT was putting on the reporters covering that very hearing. An AP and UPI reporter testified to several phone calls to their homes by ITT public relations men asking them to change their stories and to make inquiries for ITT with regard to stories by other reporters, and to use their influence as members of the press to obtain confidential information for ITT from the Department of Justice regarding its intentions. A New York Times reporter was asked by a senior vice president of ITT whether she'd been following the stock prices of ABC-ITT, and whether she did not feel a responsibility to the shareholders who might lose money as a result of what she wrote. He also implied that she had an obligation to pass information on to her management because, since The New York Times owns radio station WQXR they would, of course, want to serve their own economic interests in the reports that she put in the paper. This was, for me, a very unsettling experience.

All we had written in the first ABC-ITT dissenting opinion was that there was still a possibility that something like this might happen. We never dreamed that it could happen in that very case. It seemed to me ITT had demonstrated an abrasive self-righteousness in dealing with the press, an insensitivity to its independence and integrity, a willingness to spread false stories in furtherance of self-interest, contempt for government officials as well as the press, and an assumption that even as prestigious a news medium as The New York Times would, as a matter of course, want to present the news so as to serve its own economic interests as well as the economic interests of

other business corporations. The Columbia Journalism Review subsequently reported: "ITT harassed reporters covering Washington hearings on the merger; ABC News often sounded as if its stories about the merger were dictated by management. Journalism can be relieved that two such managements did not get together." (Let me say I do not personally share this interpretation of the ABC News' stories, but we must all be impressed that it was the conclusion of this very professional and prestigious journal.)

There are a number of examples of instances in which radio and television have not given fair treatment to issues involving management's own interests in matters such as cable television and pay television. There was a fairness complaint in 1965 involving a station's coverage of a local CATV issue, and the "Fairness Primer" makes reference to unfair treatment of the pay television issue on one of the networks.

One of the things you have to recognize is the economic value of being able to control the news. How do you put a price tag on it? One of the things you can look at is how much people are willing to pay to kill stories. In 1871 Boss Tweed went to The New York Times in an effort to suppress an expose of the Tweed gang, and offered them \$5 million to kill the story. Since then there's been a little inflation. If it was worth \$5 million to kill a single story in 1871 it might very well be worth \$20 million to buy a single station now—particularly if it can return a 100 percent return on depreciated capital every year.

A network official on the news side has stated publicly, "We've gone after the common denominator. There are many vital issues that we won't go near. We censor ourselves." That was from an article. This is from a confidential letter. I get a number of these examples from you newsmen, complaining about what's happening to you in the business. I think that this letter is worth reading. After going through many, many examples of Vietnam coverage, coverage of Nixon and other officials, this newsman concludes his three-page single-spaced letter: "These are but a few of the examples that I know of personally. There are many more. Some 'Censorship' may, of course, result from honest differences of opinion between correspondent and producer on what is news and the proper way to present it. But it would be stretching credulity to the breaking point to suggest that much of what we see (at least at [his network]) is not simply pusillanimous self-censorship aimed at keeping 'news' programs sufficiently bland so that no one is offended . . . and certainly not disturbed."

This is the Chairman of the Senate Commerce Committee writing in 1956: "Broadcasting stations should not be simply house organs grinding out the tune of big business interests which own them—and there is some evidence that this is a real danger today." This is Edward P. Morgan: "It is one thing to mourn Yates' death in gallant pursuit of duty in the highest tradition of the fourth estate. It is quite another to admit how unkempt those traditions have become through neglect, and the pursuit of profit more than the pursuit of truth. Ted Yates did not duck and he lost his life. The freest and most profitable press in the world, every major facet of it, not only ducks, but pulls its punches to save a supermarket of commercialism or shield an ugly prejudice and is putting the life of the republic in jeopardy thereby."

Another report from the *Columbia Journalism Review*: "In radio and television there is even less candor on consumer topics than in magazines." And I will say in credit to CBS, they go on to say: "CBS is far ahead of the field in tackling sensitive consumer topics. But even the CBS list is not very long."

This is from Senator Phil Hart in a state-

ment to the Cooperative League of the USA, later published in the January 1965 issue of *Consumer Reports*. Senator Hart told of the cancellation of his scheduled appearances on television to discuss truth-in-packaging legislation. As he stated: "I was told advertisers had objected."

Professor Harry Skornia has alleged: "In case after case it appears that the broadcast industry itself has firmly blocked release to the public of certain facts. Although this blockage sometimes has been on behalf of the political party in power, or the military, with which large corporations are closely allied, most of it seems related to the financial and profit interests of corporations controlling broadcasting, either as station or network operators, sponsors, or a part of the business community generally, as opposed to the over-all national interest."

Here's another comment from Mr. Skornia: "The press might render . . . a great service . . . if it let the public know how things stand between say, the copper companies and Central America. Or the oil companies and the Middle East. In the broadcast area, questions might be raised regarding the pressures exerted on the United States government by fruit, oil, sugar, tobacco, and other companies with investments in Cuba since Castro's rise to power. Why are these enormous problems so little discussed in view of the overwhelming importance they have in making United States foreign policy?"

Here's another confidential letter to me from a correspondent who is presently employed by a network: "My story on what was then the largest operation of the war . . . came back to me minus references to evident ineffectiveness of bombing raids [which were] later admitted by military officials."

This is from the *Cornell Law Review*: "Broadcasters, both individually and in court, have traditionally avoided controversial programming because sponsors are hesitant to become even subliminally associated with opinions disagreeable to potential purchasers." And the *Review* refers to "mercenary self-censorship by the broadcasting industry."

Here's an article by a man who's still in the business: "I heard on the grapevine that producers at all three networks were working up plans for a major series on 'The Cities.' Had the news department suddenly gotten religion? Of course not. The Institute of Life Insurance, the public relations arm of the insurance companies in America were—under pressure from President Johnson—investing one billion dollars in the nation's slums. An excellent way to bring this fact to the public, of course, was through sponsorship of a television documentary on the problem. All three networks were asked for 'treatments.'"

A current issue of *Variety* magazine told how one major sponsor was given the opportunity of selecting which documentaries he would like to be associated with. A list of 120 was made up and from that a list of 30 was presented to him. A process of self-censorship is at work even in the selection of the titles presented to the company involved. Such items as, "Revolution in Sex Education," and "Whatever Happened to Privacy?" had the potential of developing into forthright controversial shows if given the chance by the sponsors. Predictably, however, those two were not to its taste. While the sponsor accepted the idea of a show on railroads, the title "Death of the Iron Horse" was changed because the sponsor did not want to take "a negative point of view." The new working title was "Golden Age of Railroads," expressing the more positive approach desired by the sponsor. And the sponsor not only altered the title but the program concept as well by this change.

Here's another quote from one of your members: "The television documentary producer must fight . . . the pressures from ad-

vertisers and sales departments. More often than not, he has been fighting a losing battle." This is Jack Gould: "Television, to be blunt about it, is basically a medium with a mind closed to the swiftly moving currents of tomorrow. The networks and stations have erected an electronic wall around the status quo." Alexander Kendrick: "... [T]he television industry is more than a fortunate sector of the free enterprise system. Because it deals in ideas and images as well as in cosmetics and cigarettes, it is wittingly or unwittingly an instrument of the Establishment, that complex of governmental, political, economic and psychological forces that, even when some enlightenment intrudes, is dedicated to the preservation of the status quo. . . ."

More examples? This again from Skornia. "In late 1963 the American Civil Liberties Union noted that CBS excluded a song satirizing the John Birch Society from the Ed Sullivan program because it would have been, 'too controversial,' [a problem that was recently echoed with the controversy over the Smothers show]. In 1964, NBC vetoed a program on venereal disease that had been carefully prepared for the Mr. Novak series to help the nation recognize this tragic and dangerous threat to the youth of the world." Edward R. Murrow: "I invite your attention to the television schedules of all networks during the hours of 8:00 and 11:00 p.m. Eastern time. Here you will find only fleeting and spasmodic reference to the fact that this nation is in mortal danger." And some comments by Alexander Kendrick: "Gaugn in Tahiti, the re-creation of the voyages of Ulysses, or essays on women, doors and bridges—even driving, boating and science tests—merely underline the fact that commercial television has failed to treat adequately such questions as the Vietnam war, America's policy in Asia, pacifism, the worldwide traffic in arms, Church versus State, the right of dissent, the police use of force, Congressional ethics, the New Economics, stock market speculation, or a dozen other important matters which would have been standard operating procedure for Murrow and Friendly with *See It Now* and *CBS Reports*. In the 1968 election year, the electoral system itself, obviously in crisis, was discussed in no serious way on any network."

Alexander Kendrick further writes, "During a two month period in 1967 . . . the three commercial networks had three 'prime time' documentaries, *An Essay on Women*, *The Royal Palaces of Britain*, and *Thoroughbred, A Stud Farm Chronicle*. In this same period, newspapers and magazines dealt in depth with the fall of Congressman Adam Clayton Powell, the row about the Manchester book about the assassination of President Kennedy, the conviction of Bobby Baker . . . and the dispute about new Federal safety rules for manufacturers. Even prior publication in the *New York Times* provided no warranty for such stories on television. They were kissed off with brief daily reports in the evening newscasts."

This is from one of the judges of the Emmy Awards who watched all of the news documentaries that were presented by the networks. These were, presumably, the cream of the cream, the best that the networks were capable of presenting. He watched them for two full days, and he wrote: "Yet for all the Vietnam films, the riots, the politics, how little we had seen of the world in twenty-two hours. There was nothing about American or foreign education, nothing about de Gaulle or France, nothing about Franco's Spain, about gold and money, Cuba and South America, the Communist Bloc, Sino-Russian relations, nothing about drugs and sex. Everything was made with a high degree of technical competence; nothing was boring; but how little we had learned, how infrequently I had been moved."

And let's consider that early show on the hazards of cigarette smoking, which Mr.

Salant mentioned with such pride in his *TV Guide* article. Fred Friendly says that CBS and the sponsor, Alcoa, became upset because the tobacco industry buys air time and aluminum foil, and that these controversies as well as others were the cause of the death of "See It Now."

Take some of these issues that are very close to the television industry right now and ask yourself how many documentaries you have seen or are likely to see on these subjects: The Pastore bill which would in effect give lifetime licenses to broadcasters; the questions surrounding news staging; the standards of broadcast programming that are applied; the quality of the new fall shows; the impact of television on children or adults; documentaries about the quality of advertising, and about deceptive advertising; documentaries on broadcast station license challenges by public groups around the country; the importance of accurate reporting to a democratic society; the process of election of public officials and the role of media and the funds that are needed to make that possible and therefore the political power of this industry; the process by which you put together a news program; or the TV set radiation hazards.

Ed Morgan again: "Let's face it, we in the trade use this power more frequently to fix a traffic ticket or to get a ticket to a ball game than to keep the doors of an open society open and swinging, by encouraging honest controversy, or, if you'll pardon the term, crusading for truth and justice. There is enough wrong in this republic to merit a full-scale expose daily, if not every hour on the hour. But newspapers run prize contests to lure readers or keep the ones they have. Broadcasting is driving thoughtful citizens away in droves by fertilizing the wastelands of the airwaves with the manure of utter mediocrity. The situation is so bad that the commercials, even in their saturation, are often better than the programs they support."

Here is an advertisement from a network. I won't identify it. It's very proud of what it's putting out next fall. Well in the back, as one would suspect, is the section on news specials. What are we promised as we look into the fall of 1969 and early 1970? What leadership, what information, are we going to get from this network? And remember, this was not written by Jack Gould. It was written by the advertising agency servicing the network. The West of Charles Russell's artistic genius, presented in all its rousing color, fury, grandeur, and simple humanity." You'll have to wait until January 7th at 10:00 p.m. for that one. "Eskimos: A Report on the Eskimos Ancient Traditions." No date has yet been fixed for that one. Finally, the one they lead with—that they are most proud of. Here in a way is television's attempt to report on the "vast wasteland." It is called, simply, "Sahara." "Shifting and changing yet constant and enduring—this is the vast, searing Sahara Desert. Journey along with us as a modern-day caravan travels across these ancient sands to discover the Sahara's many moods and intriguing secrets. 7:30 p.m., December 19th."

I put it to you. Do you really feel in your hearts that those are the three most important issues that the American people need to know about this next year? If so, I really have made a big mistake and I'll go home. No, I think you kind of feel with me that management could have given you a little more time to deal with a few other subjects than these.

Here's another comment from Ed Morgan, who seems to feel the same way. "The honestly concerned citizens, right, left and center are the nuclei, not of black power or white power but positive power which can make representative government work. But their power has not been sufficiently turned on because the press has been too busy neutering the news to clear comfortable,

non-controversial space for the full-page ads and the singing commercials."

Now we come to the question of what the industry does, what management does, what the Washington representatives do, to help out the news people when they have problems. Do they really fight the free speech battle? I say the answer to that is no.

Alexander Kendrick: "There is nothing novel in the fact that networks should be subject to pressures. What is distressing, as Murrow found out in his time, is that they should so often yield to them. . . . [T]he networks have called wolf many times before, and have too often stigmatized as 'thought control' the attempts to get them to redeem their public service obligations. They have equated freedom of speech with freedom from criticism." Ed Murrow said: "One of the minor tragedies of television news and information is that the networks will not even defend their vital interests."

For some examples, let's talk about the Pacifica cases. I think they're as good an illustration as any. When the license renewal for the California stations came up, in FCC Chairman Henry's time, a real First Amendment issue was posed because there were people who objected to the content of what Pacifica was putting out. There was a real question as to whether their licenses were going to be renewed or revoked because of that controversy. There was not a single voice raised on Pacifica's behalf. Not a single resolution from the state associations, not a single speech, not a single amicus brief filed by counsel. Where were they?

Last December it came up again, and that great spokesman for First Amendment freedom, *Broadcasting Magazine*, ran a little item pointing out that Pacifica's Los Angeles station, KPFFK, in the early morning had broadcast a song that had an allegedly profane line in it, and suggesting that the license really ought to be held up. And it was, while that charge was investigated. Or how about the protests in New York over the reading of an alleged anti-Semitic poem over WBAI? *Broadcasting Magazine* this time editorialized against WBAI. It had gone beyond its First Amendment protective freedom; it should be punished by the FCC. On the same page it editorialized about the First Amendment rights of the broadcasters to run cigarette commercials unrelieved of any information to the American people about the health hazards of cigarette smoking. That's how management stands behind the First Amendment. It seems considerably more interested in profitable speech than free speech.

In the "Pot Party" case which CBS was involved in, I thought there was some language in the FCC's opinion that befuddled rather than helped in understanding and dealing with the problem of staged news events. I felt that you were entitled to a straighter and better statement of what was going on. I said in my opinion that we're going to test right now how much the industry cares, because if it cares, it can easily appeal this case. We'll watch and see if it will. It didn't. *Variety* has written: "It has been made clear here, in a number of ways that the ordinary broadcaster—the publisher of the airways—is willing to surrender still more of his First Amendment freedom for the promise of perpetual license to do business. At gunpoint, and given the choice of 'your money or your life' the ordinary citizen promptly yields up his money. Not so the broadcaster."

Dick Salant answered my charges of "corporate censorship" with a personal assault and a catalog of news items and documentaries over the past decade or so. I was given about 100 words in which to answer his six page article. For once I really knew how television newsmen feel when they're told to describe the problems of the world in anything up to forty-five seconds. Here's what I wrote:

"Let anyone who has watched prime time

network television decide for himself. As Mr. Salant ["He Has Exercised His Right—To Be Wrong," Sept. 20] knows, little of it is "news." As for TV news, it's not that it's done nothing; it's just too little too late. Walter Cronkite says, "We have barely dipped our toe into investigative reporting." Ed Murrow said, "(Corporate management) makes the final and crucial decisions having to do with news and public affairs." Many former TV newsmen agree. [See, e.g., book by Salant's predecessor in office: Fred Friendly, "Due to Circumstances Beyond Our Control."] Let's hope for equivalent candor from a future, noncorporate Dick Salant.

This statement is an effort to elaborate a bit on that letter. It is deliberately long, filled with examples, and dependent upon the statements of those in broadcast journalism who seemingly disagree with Mr. Salant. I think their observations, opinions and experiences are entitled to greater weight than my own.

These comments are not intended as a criticism of television journalism. I repeat, as I said at the beginning, that I believe it to be television's finest hour—or perhaps I should say half hour. The principal problem with "television" in America is that so little of it is devoted to news—or anything else that matters—not that the little that deals with reality is done poorly. The faults that I do find with television journalism I believe to be more the responsibility of management than of working newsmen. But these faults do exist. And we can never promote the improvements that we all seek in this profession—you as much or more than I—so long as Big Television management is unwilling to be candid enough to acknowledge what those of you who work in this business have repeatedly said are the facts.

PREVENTIVE DETENTION I: OR  
STANDING ROOM ONLY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. MIKVA. Mr. Speaker, the Honorable Tim Murphy, Judge of the D.C. court of general sessions, testified before the Judiciary Subcommittee considering preventive detention. He contended that if full-scale pretrial hearings were held in all cases involving "dangerous defendants," as provided for in the administration's preventive detention bill, even the D.C. court reform bill might not provide enough judges to handle the additional workload. I believe that preventive detention will be no boon to justice—only a boon to the population of already overcrowded jails and overloaded court dockets.

Judge Murphy's observation deserves the attention of my colleagues. Preventive detention is not something to blithely accept as a solution to pretrial crime control. The possibility that such schemes would both violate the cardinal principle of Anglo-Saxon jurisprudence—innocent until proven guilty—and overburden an already overburdened criminal court system should end the applause for preventive detention and stimulate hard thinking.

One who has thought hard about criminal justice is Mr. Geoffrey C. Hazard, Jr., the executive director of the American Bar Association and a profes-

sor of law at the University of Chicago Law School. In an article entitled "Epilogue to the Criminal Justice Survey," Professor Hazard outlines the failures of our criminal justice system, as determined by the American Bar Foundation's survey of the administration of criminal justice. The foundation, located on the campus of the University of Chicago, has just completed an impressive review of criminal law administration in three major cities.

One problem he cites is the lack of professional involvement in the average case, where total time spent by police officer, prosecutor, magistrate, and probation officer is probably less than 5 hours—and, the hearing in court less than 5 minutes.

Professor Hazard also makes sense out of the problem of "law and order," which he properly says "is not so much an anarchistic conspiracy as an accumulation of public neglect. As soon as we can abandon the search for a scapegoat—whether the police, the Supreme Court, youth unrest or the black man—we may get down to the serious business of organizing a system for the prevention of violence that will work over the long pull."

Mr. Speaker, the serious business of safeguarding the community against the allegedly dangerous accused is providing speedy trials—not slowing down trials with preventive detention. The prevention of violent crimes by the accused will be achieved by swiftly trying the accused and surely punishing the guilty—not by incarcerating the accused and teaching him the tools of the criminal trade.

Because Professor Hazard cuts through much of the loose talk about criminal justice, I commend his article to my colleagues.

The article, "Epilogue to the Criminal Justice Survey," which appeared in the November 1969 issues of the American Bar Association Journal, follows:

EPILOGUE TO THE CRIMINAL JUSTICE  
SURVEY

(By Geoffrey C. Hazard, Jr.)

The American Bar Foundation's Survey of the Administration of Criminal Justice will be completed next month with the publication of Professor Frank Miller's *Prosecution: The Decision To Charge a Suspect with a Crime*, to be published by Little, Brown & Company. This volume and its four companions<sup>1</sup> report and analyze information gathered in a field study of criminal law administration in three major cities. Although the primary data are ten years old, continued monitoring and more recent studies show that the basic problems remain mostly unchanged.

No study of such a complex subject can be "definitive" in the sense of exhausting the subject. The main findings of the survey, nevertheless, are quite clear. These include:

The wide discretion officials have in enforcing the criminal law, raising questions

about the premises and objectives involved in their exercise of discretion.

The ambitious goals of our criminal law (including public security and private civil liberty, uniformity and individualization, bodily safety and purity of morals), raising questions about community purpose.

The autonomy of law enforcement agencies, raising questions about the identity and responsibility of law enforcement "authority" itself.

The fact that achieving a high conviction rate is not necessarily the central aim of criminal law administration, raising questions as to its other purposes.

These findings generally correspond to those made thirty-five years ago by the Wickersham Commission and two years ago by the President's Commission on Law Enforcement and Administration of Justice, which says how difficult it is to bring about fundamental improvement in so important a legal institution. The Foundation survey, however, made a special contribution in describing the administration of criminal justice as an interrelated system. However disjointed, the various institutions that were the subject of the survey have systemlike attributes. Common to all of them is the offender—the man and his file that move through the maze. Common also is a recognition by the official participants that their activities are interrelated. Every operative in the system—policeman, prosecutor, judge, correction officer—one way or another takes into account the probable response of others in the system to whatever action or decision he undertakes.

A SYSTEM COMPOSED OF BALKANIZED AGENCIES

Recognizing that the agencies of criminal law are a system is one thing; putting the lesson into practice is another. The agencies of criminal justice are still balkanized, sealed off from each other by boundaries of legal jurisdiction, political allegiance and budgetary responsibility. There is an almost complete lack of over-all management or coordination.<sup>2</sup> At the same time, performance specifications are pursued or imposed in one part of the system without reference to their impact on other parts. The due process explosion emanating from the Supreme Court is a much-debated illustration—the police are required to increase the procedural quality of their performance without being provided the resources to do so. But the police insistence that the "clearance rate" is the relevant measure of their performance reflects a similarly incomplete analysis. The public is not served by a high solution rate simply on crimes that the police know about.

In broader perspective, the efforts to deal with the problem of crime are hampered by the tendency of each agency to pursue its own ends oblivious of the interests of other agencies and of the aggregate effect on criminal law administration. Now that Congress at last has interested itself seriously in the problem of criminal law administration, we see it making the same kind of mistake. The Omnibus Crime Control and Safe Streets Act of 1968 contemplates massive augmentation of police resources without corresponding increases in the capacity of prosecution offices, criminal courts and corrections agencies to handle the new "business" increased police forces presumably will generate. These kinks sooner or later may be ironed out, but there will be a good deal of distress and confusion before that goal is realized.

The survey also permits us to see that the administration of criminal justice is a "system" from the point of view of its "customers"—the criminal offender, the potential

<sup>1</sup> LA FAVE, ARREST: THE DECISION TO TAKE A SUSPECT INTO CUSTODY (1965); NEWMAN CONVICTION: THE DETERMINATION OF GUILT OR INNOCENCE WITHOUT TRIAL (1966); TIFFANY, MCINTYRE & ROTTENBERG, DETECTION OF CRIME: STOPPING AND QUESTIONING, SEARCH AND SEIZURE, ENCOURAGEMENT AND ENTRAPMENT (1967); and DAWSON, SENTENCING: THE DECISION AS TO TYPE, LENGTH AND CONDITIONS OF SENTENCE (1969). All were published by Little, Brown & Company, 34 Beacon Street, Boston, Massachusetts 02106.

<sup>2</sup> In a few localities, specifically Los Angeles, some real advances have been made toward remedying this situation, but such efforts are exceptional.

criminal offender and the public-at-large. The aim of the criminal law is to protect society from serious domestic evils. This goal is achieved in part by the moral condemnation implicit in criminal prohibitions and in part by punishing those who violate the prohibitions. But beyond these measures there is an educational and demonstrative function of the criminal law system. Law enforcement officials are models—and in this sense teachers—of what proper behavior ought to be. This is the simple, but profoundly important basis for responsible concern about "police brutality". Each unnecessary use of the billy-club, each racial slur, each instance of officiousness is a lesson of some kind to someone. The lesson to be learned from this official miscarency is surely not one that we want taught.

At the time the survey data were collected, there seemed to be little overt official brutality in the communities studied, testimony to the efforts of the agencies to do a professional job. That probably was true in most parts of the country at the time and, again with some important qualifications, appears to be substantially true today. However, the incidence of what might be called "psychic" brutality is widespread. A good deal of this is attributable to the personal and educational characteristics of people who are drawn into law enforcement work, and some of the callousness is no doubt the consequence of the abrasions they suffer while performing tough and exasperating jobs. But the survey indicated something else for which society has to take responsibility. At dozens of points, with a repetitiveness that settled into monotony, the system was ignorant, indifferent or abrupt with the people with whom it was dealing simply because there were too many cases, involving too many people, being handled by too few officials with too little time to do a decent job.

It is not merely that the police, the prosecutors and the magistrates have to make rapid decisions on the basis of inadequate information and insufficient reflection. Even when the objective circumstances would have permitted some kind of pause, the resources were not available to make use of it. It is now notorious that the policeman's arrest decision is a complicated choice made on the spur of the moment. But the same problem exists in the prosecutor's office, where the files whiz by the hasty perusal of a junior deputy and go past a senior deputy at an even faster rate. It repeats itself again in court, where the cases are served up to an overworked magistrate for drumhead treatment. What kind of a system of justice is it in which the aggregate professional involvement in the average case, including police, prosecutor, magistrate and probation officer, is probably less than five hours and the final judgment that society makes—the hearing in court—takes less than five minutes? And what shall we say of antiriot procedures that pit police against crowds too large for them to handle with low-key techniques?

In light of these facts, the "breakdown of law and order" is not so much an anarchistic conspiracy as an accumulation of public neglect. As soon as we can abandon the search for a scapegoat—whether the police, the Supreme Court, youth unrest or the black man—we may get down to the serious business of organizing a system for the prevention of violence that will work over the long pull.

The Foundation survey has helped the legal profession become more aware of the weaknesses in criminal justice—the law's central institution. The criminal law is the pillar of the administration of justice, representing the most serious of society's legal concerns and the most sensitive of its legal processes. The legal profession has always claimed a special responsibility for it. What the survey has told the legal profession is what Justice Jackson, who inspired the study, had suspected it would: that the real sig-

nificance of the criminal law is not so much its doctrinal refinement but its "delivered value"—its practical reality, day-on-day, year-on-year, at the level of enforcement.<sup>3</sup>

In this perspective, the processes of statutory reform and judicial law making appear as guidelines for social action rather than action itself. Having propounded a criminal law to which we say we are committed, are we prepared to take the public action that will make it a reality? It pleases us to moralize through the medium of the criminal law. It may be more appropriate, however, for us to ask what kind of social protection is worth having. Let us hope the legal profession can help our society confront that question.

#### A HEALTHY STEEL INDUSTRY

### HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. REES. Mr. Speaker, there has been a great deal of interest these past two sessions in the legislating of a steel import quota. Most of the speeches have discussed the terrible plight of the steel industry—its sinking sales and profits, and high unemployment.

I would like to have included in the RECORD the following statement concerning United States Steel which reports the best 3d quarter improvement, a record 41.6-percent profit gain on an 8.8-percent advance in sales.

My hope is that those who wish to legislate quotas will read the following report carefully:

[From the Wall Street Journal, Oct. 29, 1969]

UNITED STATES STEEL NET SPURTED 41.6 PERCENT IN THIRD PERIOD—IMPROVEMENT IS BEST SO FAR REPORTED BY MAJOR MILLS—SALES HAD 8.8 PERCENT ADVANCE—POOR 1968 QUARTER NOTED

PITTSBURGH.—U.S. Steel Corp. turned in the best third quarter earnings improvement so far reported by a major steelmaker, racking up a 41.6% profit gain on an 8.8% advance in sales.

The nation's largest steel producer earned \$46.8 million, or 87 cents a share, in the September quarter, up from a restated \$33 million, or 61 cents a share, a year earlier. Sales rose to \$1.17 billion from \$1.07 billion. The 1968 net income figure is restated to reflect the change to straight-line depreciation accounting from accelerated accounting. The change raised the figures from the earlier-reported \$11 million, or 21 cents a share.

The steelmaker's third quarter results benefited from comparison with a 1968 quarter in which steel operations and sales plummeted following the 1968 labor contract agreement of last August. Customers who had built up steel stockpiles in anticipation of a strike, cut buying sharply in August and September last year.

The earnings also benefited to some extent from the major price increases that U.S. Steel initiated and competitors followed early in August this year. However, the company said the September quarter "for the most part" didn't reflect those price increases. The company explained that the price boosts weren't effective for the whole quarter and some, in fact, aren't effective yet.

The third quarter results also reflected what steel men say was one of the strongest

<sup>3</sup> See Jackson, *Criminal Justice: The Vital Problems of the Future*, 39 A.B.A.J. 743 (1953).

summer sales seasons in years, lacking the normal sharp slump. U.S. Steel said its steel mill shipments in the period totaled 5.5 million tons, up from 4.9 million tons in the 1968 quarter.

U.S. Steel's third quarter profit increase topped those posted by major competitors. Fourth-largest National Steel Corp. scored a 25% gain in September quarter earnings; No. 3-ranked Republic Steel Corp. had a 24% increase; Armco Steel Corp. registered a 17% advance and Inland Steel suffered a 32% decline. Jones & Laughlin Steel Corp., a unit of Ling-Temco-Vought, Inc., had a freakish six-fold profit increase from the extremely depressed 1968 quarter. However, it still termed its earnings poorer than earlier expected.

The industry's second-largest producer, Bethlehem Steel Corp., is expected to report third quarter earnings today.

The improved third quarter helped U.S. Steel cut its year-to-year lag in profit for the nine-months. Nine-months net income was \$150.9 million, or \$2.79 a share, off 26.6% from the year-earlier restated \$205.6 million, or \$3.80 a share. Nine-month sales fell 2.5% to \$3.52 billion from \$3.61 billion. U.S. Steel's first-half profit fell almost 40% from the 1968 half.

Robert C. Tyson, chairman of the finance committee, said the lower nine-month earnings were due to reduced shipments; a "substantial increase" in hourly-employment costs under the industry's labor contract; higher prices on purchased goods and services; higher interest charges and increased state and local taxes.

"Shortages of skilled labor in certain areas, compounded by the need for summer-vacation coverage, and the impact of our vast facility modernization program moving through expected costly initial stages of production also were contributing factors," Mr. Tyson added.

The big steelmaker said its nine-month production totaled 16.6 million tons, down from 17.8 million tons in the year-earlier period.

Giving evidence of a slowdown in capital spending, U.S. Steel said outlays for plant and equipment in the September quarter were \$153 million, down from \$222 million a year earlier. Outlays in the nine months dropped to \$460 million from \$504 million. As of Sept. 30, authorized projects yet to be completed totaled another \$965 million.

#### BIG TRUCK BILL

### HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 1, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the Providence Journal in the State of Rhode Island. The editorial follows:

POTPOURRI

The American Automobile Association and other passenger-car oriented groups are voicing concern about efforts by the trucking industry to get wider, longer, and heavier trucks on the nation's highways. A relaxation of federal controls, it is felt, will lead to relaxation of state controls—with unhappy results for passenger car drivers.

It's not our point to get into the merits of the case for bigger trucks. But perhaps the AAA could kill two birds with one stone by urging Washington to pave the right-of-ways of major railroads and give trucks of all sizes exclusive use of the new roads—with the understanding that trucks would not use existing major highways. Anyone listening?